

Land Development Regulations
Chapter 3-9. Zoning
Article I. In General

1 **Sec. 3-9-5. Administration and Enforcement; Building Permits**

2 (a) *Administration.*

3 (1) *Planning and Zoning Board.* The Planning and Zoning Board shall consist of a total of six
4 members. Five members of the Planning and Zoning Board shall be voting members, consisting
5 of one qualified voter from each county commissioner's district. One member of the Planning
6 and Zoning Board shall be a nonvoting member nominated by the School Board of Charlotte
7 County whose duties shall be to attend any of those meetings of the Planning and Zoning Board
8 when, while acting in its capacity as the local planning agency, the Planning and Zoning Board
9 hears an application for a comprehensive plan amendment or rezoning which, if approved,
10 would increase residential density on the subject property. All appointments to the Planning and
11 Zoning Board shall be made by the Board of County Commissioners. Members shall serve for
12 four years from the date of appointment but shall be subject to removal at any time by majority
13 vote of the Board of County Commissioners (BCC). The filling of any vacancy occurring in any
14 office shall be for only the remainder of that term. The manner of appointment, or removal and
15 filling of board vacancies shall be by majority vote of the BCC. One member of the Planning and
16 Zoning Board actively serves on the Affordable Housing Advisory Committee per Sec. 1-8-64.
17 Creation of the Affordable Housing Advisory Committee.

18 Members of the Planning and Zoning Board shall receive no salaries or other compensation for
19 their services as members, but they shall be entitled to reimbursement of necessary expenses
20 incurred in the performance of their duties.

21 The Planning and Zoning board shall elect from its membership a chairman and a vice
22 chairman and such other officers as the board may deem necessary or proper. Officers of the
23 Planning and Zoning Board shall serve for one year, but shall be eligible for reelection.

24 (2) *Procedure.* The BCC may adopt rules of procedure for the transaction of business by the
25 Planning and Zoning Board. The Planning and Zoning Board shall maintain a public record of all
26 transactions and hearings. The Planning and Zoning Board shall hold regular meetings at least
27 once each calendar month.

28 (3) *Planning.* In addition to any other duties granted to it, the Planning and Zoning Board shall act
29 as the county's local planning agency, as that term is defined in F.S. § 163.3174. The Planning
30 and Zoning Board shall acquire and maintain such information and material as shall be
31 necessary for an understanding and evaluation of past trends, present conditions and probable
32 future developments and trends within the county. It shall advise and inform the Board of
33 County Commissioners and the general public in all matters relating to zoning, planning and
34 future development. It shall conduct such public hearings and make such investigations as may
35 be required in the performance of its duties. Amendments and alterations in the zoning
36 regulations and district boundaries may be proposed by the Board of County Commissioners,
37 by the Planning and Zoning Board, by the local planning agency as that term is defined by
38 general law or by a petition of the owners of the lands to be affected by the proposed
39 amendments or regulations. Upon due notice and hearing, the Planning and Zoning Board shall
40 submit its recommendations to the BCC regarding the proposed amendment, which
41 recommendation shall be acted upon as provided by law.

42 **State law reference—** Local planning agency, F.S. § 163.3174.

43 (4) *Zoning.* The Zoning Official or his duly authorized representative shall be the executive officer in
44 charge of the administration and enforcement of all zoning regulations established within the
45 unincorporated areas of the county. The Zoning Official shall be appointed by and hold office at
46 the pleasure of the board of county commissioners. The Zoning Official shall:

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- 1 a. Attend all meetings of the Planning and Zoning Board and the Board of Zoning Appeals;
- 2 b. Administer and enforce this chapter;
- 3 c. Receive and review all plans and specifications for proposed structures to ensure
4 compliance with zoning regulations, and cause to be made periodic inspections of
5 structures under construction to ensure compliance with approved plans and
6 specifications;
- 7 d. Receive petitions for requests for special exceptions, petitions for variances and appeals
8 from administrative rulings on zoning matters;
- 9 e. Issue public notices as required by the Board of Zoning Appeals and the board of county
10 commissioners;
- 11 f. Receive fees for permits, prepare budgets for operations of the zoning department, and to
12 recommend the hiring of the personnel necessary for the expeditious performance of the
13 duties assigned to this office, subject to approval by the board of county commissioners;
14 and
- 15 g. Perform such other duties as may be established by the BCC
- 16 (b) *Application.* It shall be unlawful for any person to construct, alter, move, add onto, remove or
17 demolish any building or structure on land or water, without first making application for a permit to
18 the Zoning Official in such form as he may require and obtaining the proper permit. No existing use,
19 new use or change of use in land or water of any building or structure or any part thereof shall be
20 made except in conformance with this chapter.
- 21 (c) *Building permits.* In addition to other requirements of this chapter or other regulations, an application
22 for a building permit shall contain each of the following:
- 23 (1) Prints or drawings of an appropriate scale of the structures to be built;
- 24 (2) Site Plan Requirements:
- 25 a. For any development which will increase the footprint or square footage of the structure, or
26 which will require additional parking, a signed and sealed site plan, to scale, showing the
27 location of the structure and all appurtenances thereto on the property; distances to the
28 property lines, bodies of water, or other buildings or structures; and off-street parking spaces
29 showing access and maneuvering space.
- 30 b. For any development which will not increase the footprint or square footage of the structure,
31 a site plan, to scale, showing the location of the structure and all appurtenances thereto on
32 the property; distances to the property lines, bodies of water, or other buildings or structures;
33 and off-street parking spaces showing access and maneuvering space.
- 34 (3) A signed and sealed survey showing all recorded easements and the apparent mean high-water
35 line shall be submitted with applications for new construction;
- 36 (4) Where the existing or to be constructed building will be devoted to more than one use, such
37 plans shall show the percentage and areas of each use with the details thereof;
- 38 (5) A legal description of the lot upon which such structures are to be constructed; and
- 39 (6) A plan for screening of commercial and/or industrial property.

40 The application shall be made by the owner or his authorized agent. No building permit shall be issued
41 without certification by the Zoning Official that the plans submitted conform to this chapter. It shall be the
42 duty of the Zoning Official, upon receiving applications for permits, to examine the same within a
43 reasonable period of time after filing, not to exceed 30 days. If the Zoning Official finds that the proposed
44 work will be in compliance with this chapter, he shall approve the application. If he finds that the proposed
45 work is not in compliance with the regulations herein, he shall reject such application, noting his findings
46 in a report to be attached to the application and delivering a copy to the applicant.

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- 1 (d) *Certificate of Occupancy.*
- 2 (1) *Generally.* The Zoning Official shall approve the issuance of a certificate of occupancy after he
- 3 has determined that the building has been constructed and screening installed in accordance
- 4 with the provisions of the permit and that such building is designed, arranged and appears to be
- 5 intended for use as specified in the building permit. No building shall be occupied or used until
- 6 such permit is approved by the Zoning Official.
- 7 (2) *Change of principal use.* Whenever the principal use of an existing structure is to be changed,
- 8 the owner, agent, lessee or intended occupant thereof shall apply to the Zoning Official for
- 9 issuance of a new certificate of occupancy, stating that the new use is approved within the
- 10 district wherein it is located. A new certificate of occupancy shall only be approved by the
- 11 Zoning Official when the new use conforms to this chapter.
- 12 (e) *Authority to revoke permit.* The county commission may revoke any permit issued where there has
- 13 been any false statement or misrepresentation as to a material fact in the application or plans on
- 14 which the permit was based or any permit issued in contravention of law.
- 15 (f) *Fees.* The BCC shall by resolution fix reasonable recording, hearing and permit fees to be charged
- 16 by the Zoning Official.

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1 **Sec. 3-9-5.1. Authority to Enter Upon Private Property**

2 The Zoning Official, members of county staff, contractors and agents acting under proper county
3 authority, may enter upon land to make examinations and surveys as are necessary for the performance
4 of their duties under these regulations.

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1 **Sec. 3-9-5.2. Deed Restrictions**

2 No public agencies shall be responsible for enforcing deed restrictions or restrictive covenants.

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1 **Sec. 3-9-5.3. Exceptions to Required Yards**

2 In all districts, yards shall be as established by the applicable district regulations except as follows:

- 3 (1) When lots comprising f 40 percent or more of the frontage on one side of a street between
4 intersecting streets have been developed with the principal buildings having an average front
5 yard with a variance of not more than six feet from the required front yard, the Zoning Official
6 may approve the issuance of a building permit to provide for a front yard of not less than the
7 average established.
- 8 (2) Where single-family residential lots of record are nonconforming because of width, the minimum
9 side yards shall not be less than ten percent of the lot width, provided that no side yard shall be
10 less than five feet wide.
- 11 (3) If a multifamily, commercial or industrial district abuts a single-family district, no structure shall
12 be erected closer to the abutting single-family zoned property than 25 feet or the building height,
13 whichever is greater.
- 14 (4) Every part of required yards shall be open and unobstructed, subject to the following:
- 15 a. Sills and belt courses may project not over 12 inches into a required yard.
- 16 b. Movable awnings may project not over three feet into a required yard, provided that where
17 the yard is less than five feet in width the projection shall not exceed one-half the width of
18 the yard.
- 19 c. Window-or wall-mounted air conditioning units, chimneys, fireplaces, bay windows or
20 pilasters may project not over three feet into a required yard.
- 21 d. Fire escapes, stairways and balconies which are unroofed and unenclosed may not project
22 more than five feet in a required yard.
- 23 e. Hoods, cornices, gutters, roof overhangs, air conditioning units and marquees may project
24 not more than five feet into a required yard, but in no event closer than one foot to the lot
25 line.
- 26 f. Fences, walls and hedges are permitted in required yards, subject to the provisions of Sec.
27 3-9-72 on fences and walls, and Sec. 3-9-89, Visibility at road intersections.
- 28 g. Except as provided by Sec.3-9-89, Visibility at road intersections, nothing in these
29 regulations shall be construed to prohibit landscaping or gardening on any lot.
- 30 h. No structures other than those approved by the county engineer may be located in or
31 project into a drainage easement of record.

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1 **Sec. 3-9-5.4. Expedited Permitting Process for Certified Affordable Housing Development**

- 2 (a) *General purpose.* The purpose and intent of this section is to provide an expedited permitting
3 process for the construction of affordable housing in accordance with the Charlotte County
4 Affordable Housing Incentive Plan, adopted March 29, 1994, pursuant to the State Housing
5 Initiatives Partnership (SHIP) program, F.S. section 420.9072. The expedited permitting process for
6 affordable housing development ("AHD") contains incentives available to developers of a certified
7 AHD. A review process for the approval of AHDs is included in this section, as well as appropriate
8 references to other county ordinances or regulations affecting the development of AHDs. The review
9 committee for the expedited permitting process will be composed of representatives from the
10 community development department, public works, fire rescue/EMS, fire prevention, Charlotte
11 County Utilities, and any other department(s) designated by the county administrator. (Reference to
12 the county administrator throughout this section shall be construed to include his/her designee(s)).
- 13 (b) *Authorization of affordable housing developments (AHDs).* The county administrator is authorized to
14 certify that an application is, or qualifies as, an affordable housing development (AHD) when a
15 developer commits to make at least 25 percent of the units (or one unit, in the case of a single unit
16 development) to be constructed or rehabilitated affordable and available to low or very low income
17 persons as provided in Ordinance No. 93-07.
- 18 (c) *Rapid response processing.* The county administrator shall serve as the ombudsman between the
19 applicant and the Charlotte County review agencies. The ombudsman shall coordinate an expedited
20 review process that gives AHDs priority in the review of zoning and building permit applications.
- 21 (1) The ombudsman shall assist the developer of an AHD and the development team in the permit
22 requirements for county AHD applications. AHD proposals that exceed the thresholds of Site
23 Plan Review process outlined in section 3-9-7. The Site Plan Review shall schedule a meeting
24 to review AHD applications within one week of the receipt of a complete application. AHD
25 projects that require action by the Board of Zoning Appeals shall be placed on the agenda of the
26 next regularly scheduled meeting, unless the applicant requests a delay.
- 27 (2) A certified AHD application that does not require either the Site Plan Review or Board of Zoning
28 Appeals approval shall be expedited through the Charlotte County Building Department review
29 process. All Charlotte County review agencies shall give priority review to all AHD applications,
30 reporting items that may result in delay of approval to the ombudsman. The ombudsman shall
31 review any item that may result in a delay with the applicant within 24 hours of the action
32 necessary to facilitate application approval.
- 33 (3) Any proposed amendment, deviation, or change to an AHD application that has been approved
34 by the Site Plan Review shall be reviewed by the Zoning Official to determine whether the
35 proposed change constitutes a minor or major modification to the approved AHD site plan. The
36 ombudsman is responsible to provide any proposed revision to an approved AHD site plan with
37 the same expedited processing given to the original application for permit approval.
- 38 (d) *Review of regulations and procedures that affect housing cost.* Any and all changes in code,
39 procedure or process that affect the cost of housing shall be reviewed by the Charlotte County
40 Affordable Housing Advisory Committee. No such changes shall be considered for approval by the
41 Charlotte County Board of County Commissioners, or any person or agency delegated with authority
42 to act on its behalf, unless it has been considered by the affordable housing advisory committee at a
43 public meeting. The Charlotte County Affordable Housing Advisory Committee shall make
44 nonbinding recommendations of any proposed changes in code, procedure or process that affect the
45 cost of housing to the Charlotte County Board of County Commissioners.

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1 **Sec. 3-9-5.5. Exclusions From Height Limitations**

2 Height limitations contained in Article II, District Regulations, and Sec. 3-9-88, Waterfront property,
3 do not apply to elevator shafts, spires, belfries, cupolas, flagpoles, antennas, water tanks, ventilators,
4 chimneys, feed storage structures and other appurtenances usually located above roof level and not
5 intended for human occupancy, nor to fire towers or airport control towers. The height of such structures
6 shall not exceed limitations prescribed by the Federal Aviation Administration (FAA) or Sec.3-9-63, Air
7 hazard zones.

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1 **Sec. 3-9-5.6. Form of Ownership**

2 This chapter shall be construed and applied with regard to the use of property and without regard to
3 the form of ownership.

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1 **Sec. 3-9-5.7. Moving of structures**

2 No structure shall be moved from one lot to another lot or moved to another location on the same lot
3 unless such structure shall thereafter conform to this chapter and all other applicable regulations.

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1 **Sec. 3-9-5.8. Property Frontage**

2 No permit shall be issued for the erection of a building on a parcel of land or lot which does not abut
3 a public or private road right-of-way for at least 50 feet, except that a minimum road abutment of 20 feet
4 shall apply to properties, including flag lots, if there is sufficient building envelope within the property to
5 meet all minimum building setbacks and lot area requirements.

1 **Sec. 3-9-6. Board of Zoning Appeals (BZA) Powers and Duties; Procedures**

2 (a) *Creation and Appointment of the Board of Zoning Appeals.*

3 As part of the zoning organization and implementation of the Land Development Regulations, the
4 Board of County Commissioners, also referred to as the BCC, has created a Board of Zoning
5 Appeals, also referred to as the BZA. The BZA shall have five members, appointed by the BCC,
6 one of whom shall be appointed from each of the five County Commission districts. No member
7 of the BZA shall be an elected official of Charlotte County. No less than one, nor more than two,
8 member(s) of the BZA shall also be a member of the Planning and Zoning Board. To provide for
9 BZA continuity of membership through staggered terms, the terms of members appointed from
10 Commission Districts 1, 3, and 5 shall expire on the fourth Tuesday of November, 2016.
11 Members appointed from Commission Districts 2 and 4 shall be deemed to have been appointed
12 to terms expiring on the fourth Tuesday of November, 2014. Thereafter, all terms shall run for a
13 term of four years, and the filling of any vacancy occurring in any office shall be for only the
14 remainder of that term. The manner of appointment, or removal and filling of board vacancies
15 shall be by majority vote of the BCC.

16 (b) *Organization.*

17 The BZA shall elect from its membership a Chair, Vice-Chair, and Secretary, who shall serve a
18 term of one year and shall be eligible to succeed themselves. The BCC has adopted rules of
19 procedure for the transaction of the business of the BZA and the Zoning Official shall maintain a
20 record of all its resolutions, transactions and decisions on all matters. All transactions and
21 decisions shall be a public record and available for public inspection.

22 (c) *Procedures.*

23 The Chair, or in their absence, the Vice-Chair or Secretary, shall chair meetings, and compel the
24 attendance of witnesses. All testimony given shall be under oath. All decisions regarding
25 appeals, the issuance of a special exception or variance by the BZA shall be quasi-judicial in
26 nature. All meetings of the BZA shall be open to the public. The Zoning Official shall keep
27 minutes of BZA meetings, showing the vote of each member on each question, and indicating,
28 also, the absence of any member, or legal abstention from voting. The results of all of the official
29 actions of the BZA shall become a public record in the office of the Zoning Official.

30 (d) *Education and Travel Expenses.*

31 Members of the BZA shall receive no salaries or other compensation for their services as such
32 members. However; if they choose, members of the BZA may be reimbursed for expenses,
33 including but not limited to training, education, and mileage driven, according to County policy.

34 (e) *Expenses and Fees.*

35 (1) The cost and expenses of operation of the BZA shall be budgeted and paid in the same
36 manner as provided for the Planning and Zoning Board and shall be a part of the budget
37 adopted for such board.

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1 (2) The BCC is authorized, empowered, and directed to establish by resolution a schedule of
2 reasonable fees to be charged by the BZA and all such sums received shall be deposited in
3 the general fund of Charlotte County.

4 (f) *Authority.*

5 The BZA is designated by the BCC to hear, and have final authority on, the following applications.

6 (1) Hear and decide Administrative Appeals when it is asserted there is an error in any order,
7 requirement, decision, or determination made by the Zoning Official in the administration,
8 enforcement, or interpretation of this Code.

9 (2) Special Exception uses under this Code, subject to reasonable safeguards, in particular
10 circumstances.

11 (3) Grant time extensions and variances from the dimensional requirements of these Land
12 Development Regulations as shall not be contrary to the public interest where, in specific
13 cases and owing to special circumstances, a literal enforcement of the provisions of the
14 regulations will result in unnecessary and undue hardship.

15 (4) The BZA shall not issue or grant variances or Special Exceptions which will permit a land use
16 in a zone or district in which such use is forbidden by the Land Development Regulations.

17 (g) *Decisions of the BZA.*

18 All decisions of the BZA shall require an affirmative vote of the majority of Board members
19 present and voting on the matter, unless stated otherwise in this Code. Tie votes shall not carry
20 the motion made. As soon as possible after the BZA has made their decision the Zoning Official
21 shall mail a Decision Letter to the applicant documenting the decision of the BZA including their
22 reasons for a denial or any conditions adopted as conditions of approval. The Zoning Official
23 shall also create a Notice of Approval, which shall be recorded in the Office of the Clerk of the
24 Circuit Court and made a part of the Official Records of Charlotte County.

25 (h) *Appeal to Circuit Court or County Commission.*

26 (1) Any person or persons, corporation, or other entity aggrieved by any decision of the BZA
27 may, within 30 calendar days after such decision has been documented by the Zoning Official
28 in a Decision Letter, but not thereafter, apply to the Circuit Court of the County for appropriate
29 relief. There shall be no right to apply to the Circuit Court for relief on account of any order,
30 requirement, decision, determination or action of the Zoning Official unless there shall first
31 have been an appeal to the BZA. It is the intention of the BCC that all administrative steps
32 provided in this Code with regard to appeal and review shall be taken before any application
33 may be made to the courts for relief with respect to matters or things appealable and
34 reviewable hereunder.

1 **Sec. 3-9-6.1. Administrative Appeals**

2 (a) *Appeals of Denial by Zoning Official to the BZA.*

3 The BZA may, upon proper application, public notice and public hearing reverse or affirm, wholly
4 or partly, or may modify the order, requirement, decision or determination made by the Zoning
5 Official in the administration, enforcement or interpretation of any of these Land Development
6 Regulations. The BZA may make such order, requirement, decision or determination as shall be
7 proper in the circumstances, and for such purpose shall have all the powers of the officer from
8 whom the appeal was taken.

9 (b) *Application.*

10 An appeal to the BZA following a denial from the Zoning Official shall be in writing on forms
11 provided by the Community Development Department, and shall be filed with the Community
12 Development Department within 30 calendar days after the date on the Decision Letter notifying
13 the applicant of the administrative decision or determination by the Zoning Official. The appeal
14 shall be submitted with the applicable fee, accompanied by all documents, plans and other
15 papers constituting the record, and specify the grounds for the appeal.

16 (c) *Action by County Staff.*

17 Upon receipt of a written appeal, the Zoning Official shall determine the date, time and place of
18 the public hearing, and shall give published notice as well as written mailed notice by first class
19 mail to all substantially interested parties at least 15 calendar days prior to the date of the public
20 hearing. The Zoning Official shall transmit to the BZA all documents, plans and other papers or
21 other records upon which the decision appealed from is based. At the public hearing of an
22 Administrative Appeal the Zoning Official shall present the facts of the case and explain the
23 decision made, after which any person may appear and be heard under oath. The final action by
24 the BZA shall be documented by the Zoning Official in a Decision Letter to the applicant, copies
25 of which shall be kept on file. The Zoning Official shall also create a Notice of Approval, which
26 shall be recorded in the office of the Clerk of the Circuit Court and made a part of the Official
27 Records of Charlotte County. A copy of the recorded Notice of Approval shall also be mailed to
28 the applicant.

29 (d) *Action by Applicant.*

30 The applicant shall appear at the public hearing in person, or by agent or attorney, to testify under
31 oath before the BZA, present their case for the appeal, and answer questions asked of them.

32 (e) *Considerations for Appeals.*

33 In reaching its decision, the BZA shall consider the following criteria as well as any other issues
34 which are pertinent and reasonable.

35 (1) Whether or not the appeal is of a nature properly brought to them for a decision, or whether
36 or not there is an established procedure for handling the request other than through the
37 appeal process (i.e., a variance or special exception, etc.).

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- 1 (2) The intent of the regulation in question.
- 2 (3) The effect the ruling will have when applied generally to the intent of the Land Development
- 3 Regulations.
- 4 (4) Staff recommendations, the testimony of the appellant, and testimony of substantially
- 5 interested parties shall also be considered.

1 **Sec. 3-9-6.2 Special Exceptions**

2 (a) *Intent and Purpose.*

3 A Special Exception is permission for a use that would not be permissible generally, or without
4 restriction, throughout a zoning district but which, if controlled as to area, location, relation to the
5 neighborhood and other such restrictions, as may be deemed appropriate in each case, would be
6 compatible with surrounding land uses and found to be consistent with the Comprehensive Plan
7 for Charlotte County.

8 (b) *Applicability.*

9 Special Exceptions are established to allow for the approval of specific uses in addition to the
10 permitted uses in each zoning district. Uses eligible for a Special Exception shall be limited to:

- 11 (1) The uses listed as Special Exceptions in each zoning district.
12 (2) Adaptive re-use of an historic structure.

13 (c) *Initiation.*

14 An application for a Special Exception may be initiated by anyone with a legal interest in the
15 property; however, an applicant who is not the owner of subject property, shall be required to
16 present evidence of legal authority from the owner to submit an application.

17 (d) *Application Requirements.*

18 Unless waived by the Zoning Official, a pre-application conference must take place with the
19 Zoning Official at least five working days prior to submitting an application. Applications for
20 Special Exceptions shall be submitted on forms obtained from and filed with the Zoning Official.
21 All applications shall be accompanied by additional documentation as specified in this Code or
22 required by the Zoning Official and the applicable fee. The Zoning Official shall review the
23 application for sufficiency, which includes completeness of the application. If additional data is
24 required, the Zoning Official shall, within ten working days after receipt of the application,
25 document in writing to the applicant what specifically is required. Failure of the applicant to submit
26 information required by the Zoning Official and to make the application complete or sufficient
27 within 30 calendar days of the written request shall be considered a withdrawal and the
28 application fee shall be refunded less the administrative fee. Special Exception applications shall
29 include but not be limited to the following, as determined by the Zoning Official.

- 30 (1) A concept plan at an appropriate scale showing the existing and proposed placement of
31 structures on the property, provisions for ingress and egress, off-street parking and loading
32 areas, refuse and service areas and required yards and other spaces.
33 (2) Plans showing proposed locations for utilities hookups.
34 (3) Plans for screening, landscaping, and buffers, with references to type, dimensions, and
35 character.
36 (4) Proposed signs and lighting, including type, dimension and character.
37 (5) A legal description of the entire property encompassing the Special Exception.

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1 (6) A narrative description of the total project in sufficient detail to provide an understanding of
2 the nature of the development proposal and a statement describing how the requested
3 special exception meets the Approval Criteria for Special Exceptions as set forth in this
4 Code.

5 (e) *Notice of Public Hearing.*

6 The County shall provide notice of the public hearing to be held before the BZA in accordance
7 with the following provisions.

8 (1) *Published Notice.*

9 The Zoning Official shall review the application for sufficiency, which includes completeness
10 of the application and consistency with the Comprehensive Plan, Code of Ordinances, and
11 the Land Development Regulations. Upon the receipt of a complete and valid application for
12 a Special Exception, the Zoning Official shall establish a date, time and place for the public
13 hearing before the BZA. Published notice shall be given at least 15 calendar days prior to the
14 date of any public hearing by publication in a newspaper of general circulation in the County.
15 The published notice shall contain a description of the proposed use; address and legal
16 description of subject property; the date, time, and place of the public hearing or hearings,
17 whichever is applicable; and shall invite all interested persons to appear and be heard.
18 Failure to comply strictly with published notice requirements shall not invalidate the
19 proceedings.

20 (2) *Mailed Notice.*

21 The owners of property located within 200 feet of the subject property shall be mailed written
22 notice of the proposed Special Exception at least 15 calendar days prior to the initial public
23 hearing on the Special Exception before the BZA. The mailed notice shall contain a
24 description of the proposed use; address and legal description of subject property; the date,
25 time and place of the public hearing or hearings, whichever is applicable; a phone number to
26 contact the County for more information; and shall also invite all interested persons to appear
27 and be heard. Notice by mail shall be addressed to the property owner at the address shown
28 on the latest available Charlotte County Property Appraiser Real Property Records. Such
29 notice shall be considered effective when placed in the United States mail, postage paid.
30 Failure to comply strictly with mailed notice requirements shall not invalidate the proceedings.

31 (3) *Posted Notice.*

32 A sign shall be posted conspicuously on the subject property, which shall contain a
33 description of the proposed use date, time and place of the public hearing; and a phone
34 number to contact the County for more information. The sign shall be placed on the property
35 at least ten calendar days prior to the initial public hearing on the Special Exception before
36 the BZA. Failure to comply strictly with posted notice requirements shall not invalidate the
37 proceedings.

38 (f) *Action by County Staff.*

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1 The Zoning Official shall review the application for sufficiency, which includes completeness of
2 the application and consistency with the Comprehensive Plan, Code of Ordinances, and the Land
3 Development Regulations. Should an application not be complete or sufficient or an error in the
4 application be discovered, the Zoning Official shall have the discretion to require the applicant to
5 reapply or submit revised or additional information. Upon finding the application to be correct and
6 complete, it shall be scheduled for a public hearing before the next available BZA meeting, The
7 Zoning Official may require that site plans associated with Special Exceptions be reviewed and
8 comments provided to staff during the Special Exception process, although no site plan approval
9 shall be implied by this review. The Zoning Official shall investigate the conditions pertaining to a
10 particular request and submit a report to the BZA, providing the facts involved and making a
11 recommendation based on the application submitted, the facts known prior to the public hearing,
12 and this Code. The final action by the BZA shall be documented by the Zoning Official in a
13 Decision Letter to the applicant, copies of which shall be kept on file. The Zoning Official shall
14 also create a Notice of Approval, which shall be recorded in the Office of the Clerk of the Circuit
15 Court and made a part of the official records of Charlotte County. The original recorded Notice of
16 Approval shall be kept on file and a copy mailed to the applicant.

17 (g) *Action by Applicant.*

18 The applicant, agent or attorney shall appear at the public hearing or hearings in person, to testify
19 under oath before the BZA members, present their case for the application, and answer questions
20 asked of them. The applicant may also initiate any of the following actions.

21 (1) *Withdrawal of Application.*

22 An applicant or legally appointed representative may request that their application be
23 withdrawn at any time. A request to withdraw an application shall be in writing to the Zoning
24 Official unless the applicant makes their request on the record at the scheduled public
25 hearing of the BZA. A written request shall be signed by all persons who signed the
26 application, or by a legally appointed representative. The Zoning Official may authorize a
27 refund of all or part of the application fee if an application is withdrawn more than 15 calendar
28 days prior to the scheduled public hearing. If a request to withdraw an application is made
29 less than 15 calendar days prior to the scheduled public hearing then no part of the
30 application fee shall be refunded.

31 (2) *Postponement of Scheduled Public Hearing.*

32 If an applicant desires to postpone a scheduled public hearing they may request that the
33 scheduled public hearing be postponed to any one of the next four available public hearings.
34 A request to postpone the scheduled public hearing must be in writing and must be received
35 by the Zoning Official at least 15 calendar days prior to the scheduled public hearing. The
36 request shall be signed by all persons who signed the application, or by a legally appointed
37 representative. The Zoning Official shall then remove the application from the agenda and
38 mail a notice, at least seven calendar days prior to the scheduled public hearing, to the
39 surrounding property owners who were mailed a notice of the original public hearing, notifying
40 them that the application will not be heard at the originally scheduled public hearing but will
41 be heard on the date and time of the requested public hearing. The applicant shall pay the

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1 cost of all additional published and mailed notices if such notices are required by the BZA.
2 Failure to receive a mailed notice shall not invalidate the proceedings.

3 (3) Request for Continuance from the Zoning Official or BZA.

4 If an applicant desires to continue a public hearing less than 15 calendar days before the
5 scheduled meeting, they must make such a request to the Zoning Official prior to, or the BZA
6 at the public hearing. The Zoning Official may, one time per application, based on
7 extraordinary circumstances, grant a continuance to any one of the next four available public
8 hearings. Other than the one time grant of continuance by the Zoning Official. Extraordinary
9 circumstances shall include, but not be limited to, sudden illness or medical condition, death,
10 or discovery of a late objector with their consent. All requests to continue the public hearing
11 may be granted or denied only by the BZA. The BZA may hold a portion of the public hearing
12 to give those who are present a chance to testify and then continue any action on the matter.
13 If the BZA determines that a continuance is appropriate they may continue action on any
14 application to a date certain at one of their next scheduled public hearings. If directed to do
15 so by the BZA, as soon as practicable thereafter the Zoning Official shall mail a notice to the
16 surrounding property owners notifying them that the application has been continued and will
17 be heard on the date and time of the next scheduled public hearing. The applicant shall pay
18 the cost of all additional published and mailed notices if such notices are required by the
19 BZA. Failure to receive a mailed notice shall not invalidate the proceedings.

20 (h) *Action by the BZA.*

21 The BZA shall hold a public hearing to obtain public input on the proposed Special Exception.
22 Following the public hearing, the BZA may approve, approve with conditions, or deny the
23 proposed Special Exception.

24 (1) Should the BZA deny a Special Exception, the reasons for denial shall be stated and put in
25 writing for the record. Such reasons shall be based on the Approval Criteria for Special
26 Exceptions stated in this Code as they may be applicable to the denial.

27 (2) Should the BZA approve a Special Exception, the BZA may impose reasonable conditions in
28 order to protect the interest of the public health, safety, and general welfare, and prevent or
29 minimize adverse effects on other property in the surrounding neighborhood. Any request for
30 a modification of any BZA condition of approval for a Special Exception shall be processed as
31 if it is a modification of a Special Exception.

32 (3) Continuance of BZA Action. If the BZA determines that a continuance is appropriate, they
33 may continue action on any application. If the BZA continues their action on any application
34 to a date certain and directs the Zoning Official to mail notice of the continuance, then as
35 soon thereafter the Zoning Official shall mail a notice to the surrounding property owners
36 notifying them that the application has been continued and will be acted on again at the date
37 and time of the next schedule public hearing and no additional noticing shall be required. If
38 the BZA continues their action on any application without setting a date certain then the
39 Zoning Official shall publish, mail, and post a notice for the next meeting at which the
40 application will be acted upon according to the regular noticing requirements of this Code.

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1 The applicant shall pay the cost of all additional published and mailed notices if such notices
2 are required by the BZA. Failure to receive a mailed notice shall not invalidate the
3 proceedings.

4 (i) *Approval Criteria for Special Exceptions.*

5 In addition to the Standard Approval Criteria for developments and uses permitted by this Code, a
6 Special Exception shall be granted by the BZA only if all of the following Approval Criteria are
7 satisfied.

8 (1) The proposed Special Exception is consistent with the Comprehensive Plan

9 (2) The proposed Special Exception is compatible with existing and permitted uses surrounding
10 the land on which the proposed Special Exception would exist.

11 (3) The establishment, maintenance, or operation of the proposed use shall not be detrimental to
12 or endanger the public health, safety or general welfare.

13 (j) *Effect of Special Exception Approval.*

14 Should the BZA approve a Special Exception the use may be initiated and continued only if all of
15 the development standards of Code and additional conditions imposed by the BZA are
16 maintained and complied with. An approved Special Exception use shall be considered
17 permanent; however, a Special Exception use may expire, be revoked, or no longer be an
18 authorized use if any the following circumstances are found to exist.

19 (1) Approval of a Special Exception, with or without conditions, shall be considered permanent to
20 the extent that it may only be revoked following the procedure for a new Special Exception.
21 Only the BZA may direct the Zoning Official to initiate an application to revoke an existing
22 Special Exception.

23 (2) An approved Special Exception may have a time limit in the BZA conditions of approval for
24 the Special Exception use. In which case, the Special Exception shall become void and the
25 use shall be terminated and discontinued at the end of the time specified in the BZA
26 condition, unless a time extension is granted by the BZA.

27 (3) Any violation of the conditions and safeguards that may be imposed on any Special
28 Exception by the BZA, when made a part of the terms under which the Special Exception is
29 granted, shall be deemed a violation of this Code.

30 (k) *Modifications.*

31 Minor alterations or modifications of any approved Special Exception may be approved by the
32 Zoning Official. Any expansion or major alteration or modification of any approved Special
33 Exception must be approved by the BZA as if it is a new application. It shall be the duty of the
34 Zoning Official to determine which modifications are classified as major or minor.

35 (l) *Time between Similar Applications.*

36 Whenever the BZA has denied an application for a Special Exception, the BZA shall not
37 thereafter consider an identical application for a Special Exception concerning all or any part of

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1 the same property for a period of six months from the date of such action, except that this
2 requirement may be waived by the positive votes of a majority of the members of the BZA. This
3 section does not apply to applications for a modification of a previously approved Special
4 Exception.

5 (n) *Use of Historic Structures.*

6 Owners of structures designated on the National Register of Historic Places, the Florida Master
7 Site File, or the Local Historic Register may petition the BZA for approval of a Special Exception
8 use for any type of use which would serve to perpetuate the viable contemporary utilization and
9 adaptive re-use of the historic structure, regardless of whether such use is permitted by Special
10 Exception in the zoning district in which the historic structure is located.

1 **Sec. 3-9-6.3. Variances**

2 (a) *Intent and Purpose.*

3 The variance process is intended to provide limited relief from the dimensional requirements of
4 the Land Development Regulations in those cases where strict application of those requirements
5 will create a practical difficulty or undue hardship, as distinguished from a mere inconvenience,
6 and prohibiting the use of land in a manner normally allowed under the Land Development
7 Regulations. A variance should provide relief in limited circumstances where the requirements of
8 the Land Development Regulations render the land difficult to use because of some unique,
9 exceptional, or extraordinary physical attribute of the property itself, or some other extraordinary
10 factor of the property for which the variance is requested.

11 (b) *Applicability.*

12 (1) The following procedures shall be used to apply for a variance from the dimensional
13 standards or requirements of this Code which do not qualify for an Administrative Variance.

14 (2) The following procedures shall also be used for an Administrative Variance application only if
15 the Zoning Official has received a valid written objection.

16 (c) *Initiation.*

17 An application for a variance may be initiated by anyone with a legal interest in the property;
18 however, an applicant who is not the owner of subject property, shall be required to present
19 evidence of legal authority from the owner to submit an application.

20 (d) *Application Requirements.*

21 Unless waived by the Zoning Official, a pre-application conference must take place with the
22 Zoning Official at least five working days prior to submitting an application. Applications for a
23 variance shall be submitted on forms obtained from and filed with the Zoning Official. All
24 applications shall state the specific section of the zoning section of these Land Development
25 Regulations for which relief is requested and the grounds for such relief. Applications shall be
26 accompanied by any evidence and additional documentation as specified in this Code or required
27 by the Zoning Official, and the applicable fee, to be established by resolution of the BCC. The
28 Zoning Official shall review the application for sufficiency, which includes completeness of the
29 application. If additional data is required, the Zoning Official shall, within ten working days after
30 receipt of the application, document in writing to the applicant what specifically is needed. Failure
31 of the applicant to submit the required information requested by the Zoning Official and to make
32 the application complete or sufficient within 30 calendar days of the written request by the Zoning
33 Official or such extended time as granted by the Zoning Official shall be considered a withdrawal
34 and the application fee shall be refunded less the administrative fee. Variance applications shall
35 include but not be limited to the following where applicable as determined by the Zoning Official.

36 (1) A concept plan at an appropriate scale showing the related existing and proposed placement
37 of structures on the property, provisions for ingress and egress, off-street parking and off-
38 street loading areas, refuse and service areas and required yards and other spaces.

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- 1 (2) A survey including a complete legal description of subject property which shows all existing
2 improvements.
- 3 (3) A narrative description of the project in sufficient detail to provide an understanding of the
4 nature of the variance requested and a statement describing how the requested variance
5 meets the Approval Criteria for Variances as set forth in this Code.
- 6 (4) Any plans, data or other information showing evidence supporting the requested variance,
7 such as, bathometric surveys, floor plans, building elevations, cross sections of buildings,
8 topography, or photographs.

9 (e) *Action by County Staff.*

10 The Zoning Official shall review the application for sufficiency, which includes completeness of
11 the application and consistency with the Comprehensive Plan, Code of Ordinances, and the Land
12 Development Regulations. Upon receipt of a complete and valid application for a variance, the
13 Zoning Official shall establish a date, time and place for the public hearing. Upon finding the
14 application to be correct and complete, it shall be scheduled for a public hearing before the next
15 available BZA meeting. Should an error in the application be discovered, the Zoning Official shall
16 have the discretion to require the applicant to reapply or submit revised or additional information.
17 The Zoning Official may require that site plans associated with variances be reviewed and
18 comments provided to staff during the variance process, although no site plan approval shall be
19 implied by this review. The Zoning Official shall investigate the conditions pertaining to a
20 particular variance and shall submit a report to the BZA at the public hearing giving the facts
21 involved and make a recommendation based on the application submitted, the facts known prior
22 to the public hearing, and this Code. The final action by the BZA shall be documented by the
23 Zoning Official in a Decision Letter to the applicant, copies of which shall be kept on file. The
24 Zoning Official shall also create a Notice of Approval, which shall be recorded in the office of the
25 Clerk of the Circuit Court and made a part of the Official Records of Charlotte County. The
26 original recorded Notice of Approval shall be kept on file and a copy mailed to the applicant.

27 (f) *Notice of Public Hearings.*

28 The County shall provide notice of the public hearing to be held before the BZA in accordance
29 with the following provisions.

30 (1) *Published Notice.*

31 Upon receipt of a complete and valid application for a variance, the Zoning Official shall
32 establish a date, time and place for the public hearing. Published notice shall be given at
33 least 15 calendar days prior to the date of the public hearing by publication in a newspaper of
34 general circulation in the County. The published notice shall contain a description of the
35 requested variance; address and legal description of subject property; the date, time and
36 place of the public hearing; and shall invite all interested persons to appear and be heard.
37 Failure to comply strictly with published notice requirements shall not invalidate the
38 proceedings.

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1 (2) Mailed Notice.

2 The owners of property located within 200 feet of the subject property shall be mailed written
3 notice of the proposed variance at least 15 calendar days prior to the hearing. The mailed
4 notice shall contain a description of the requested variance; address and legal description of
5 subject property; the date, time and place of the public hearing; a phone number to contact
6 the County for more information; and shall invite all interested persons to appear and be
7 heard. Notice by mail shall be addressed to the property owner at the address shown in the
8 latest available Charlotte County Property Appraiser Real Property Records. Such notice
9 shall be considered effective when placed in the United States mail, postage paid. Failure to
10 comply strictly with mailed notice requirements shall not invalidate the proceedings.

11 (3) Posted Notice.

12 A sign shall be posted conspicuously on the subject property. The sign shall contain a
13 description of the requested variance; the date, time and place of the public hearing; and a
14 phone number to contact the County for more information. The sign shall be placed on the
15 subject property at least ten calendar days prior to the public hearing. Failure to comply
16 strictly with posted notice requirements shall not invalidate the proceedings.

17 (g) *Action by Applicant.*

18 The applicant, agent or attorney shall appear at the public hearing in person to testify under oath
19 before the BZA, present their case for the application, and answer questions asked of them. The
20 applicant may also initiate any of the following actions.

21 (1) Withdrawal of Application.

22 An applicant or a legally appointed representative may request that their application be
23 withdrawn at any time. A request to withdraw an application must be in writing to the Zoning
24 Official unless the applicant makes their request on the record at the scheduled public
25 hearing before the BZA. A written statement of withdrawal shall be signed by all persons who
26 signed the application or by a legally appointed representative. The Zoning Official may
27 authorize a refund of all or part of the application fee if an application is withdrawn more than
28 15 calendar days prior to the scheduled public hearing. If a request to withdraw an
29 application is made less than 15 calendar days prior to the scheduled public hearing then no
30 part of the application fee shall be refunded.

31 (2) Postponement of Scheduled Public Hearing.

32 If an applicant desires to postpone a scheduled public hearing they may request that the
33 scheduled public hearing be postponed to any one of the next four available public hearings.
34 A request to postpone the scheduled public hearing must be in writing and must be received
35 by the Zoning Official at least 15 calendar days prior to the scheduled public hearing. The
36 statement to postpone shall be signed by all persons who signed the application or by a
37 legally appointed representative. The Zoning Official shall then remove the application from
38 the agenda and mail a notice, at least seven calendar days prior to the scheduled public
39 hearing, to the surrounding property owners who were mailed a notice of the original public

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1 hearing, notifying them that the application will not be heard at the originally scheduled public
2 hearing but will be heard on the date and time of the requested public hearing. The applicant
3 shall pay the cost of all additional published and mailed notices if such notices are required
4 by the BZA. Failure to receive a mailed notice shall not invalidate the proceedings.

5 (3) Request for Continuance from the Zoning Official or BZA.

6 If an applicant desires to continue a public hearing less than 15 calendar days before the
7 scheduled meeting, they must make such a request to the Zoning Official prior to, or the BZA
8 at the public hearing. The Zoning Official may, one time per application, based on
9 extraordinary circumstances, grant a continuance to any one of the next four available public
10 hearings. Other than the one time grant of continuance by the Zoning Official. Extraordinary
11 circumstances shall include, but not be limited to, sudden illness or medical condition, death,
12 or discovery of a late objector with their consent. All request to continue the scheduled public
13 hearing may be granted or denied only by the BZA. The BZA may hold a portion of the public
14 hearing to give those who are present a chance to testify and then continue any action on the
15 matter. If the BZA determines that a continuance is appropriate they may continue action on
16 any application to a date certain at one of their next scheduled public hearings. If directed to
17 do so by the BZA, as soon as practicable thereafter the Zoning Official shall mail a notice to
18 the surrounding property owners notifying them that the application has been continued and
19 will be heard on the date and time of the next schedule public hearing. The applicant shall
20 pay the cost of all additional published and mailed notices if such notices are required by the
21 BZA. Failure to receive a mailed notice shall not invalidate the proceedings.

22 (h) *Action by the BZA.*

23 The BZA shall hold a public hearing to obtain public input on the proposed variance. Following
24 the public hearing, together with such other reports or testimony as may be relevant, the BZA
25 may approve, approve with conditions, or deny the requested variance.

26 (1) Should the BZA deny a variance, the reasons for denial shall be stated and put in writing for
27 the record. Such reasons shall be based on the Approval Criteria for Variances stated in this
28 Code as they may be applicable to the denial.

29 (2) Should the BZA approve a variance, the BZA may impose such conditions and restrictions
30 upon the premises benefited by the variance as may be necessary to allow the positive
31 finding of fact to be made on any of the foregoing factors Approval Criteria for Variances or to
32 minimize any negative effect of the variance.

33 (3) Continuance of BZA Action. If the BZA determines that a continuance is appropriate, they
34 may continue action on any application. If the BZA continues their action on any application
35 to a date certain and directs the Zoning Official to mail notice of the continuance then as soon
36 thereafter the Zoning Official shall mail a notice to the surrounding property owners notifying
37 them that the application has been continued and will be acted on again at the date and time
38 of the next schedule public hearing and no additional noticing shall be required. If the BZA
39 continues their action on any application without setting a date certain then the Zoning Official

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1 shall publish, mail, and post a notice for the next meeting at which the application will be
2 acted upon according to the regular noticing requirements of this Code. The applicant shall
3 pay the cost of all additional published and mailed notices if required by the BZA. Failure to
4 receive a mailed notice shall not invalidate the proceedings.

5 (i) *Approval Criteria for Variances.*

6 A variance shall be granted by the BZA only if all of the following Approval Criteria for Variances
7 are found to exist:

8 (1) Unique or peculiar conditions or circumstances exist, which relate to the location, size, and
9 characteristics of the land or structure involved, and are not generally applicable to other
10 lands or structures.

11 (2) The strict and literal enforcement of the zoning section of the Land Development Regulations
12 would create an undue hardship as distinguished from a mere inconvenience on the property
13 owners. Physical handicaps or disability of the applicant and other considerations may be
14 considered where relevant to the request.

15 (3) The granting of a variance would not be injurious to or incompatible with contiguous uses, the
16 surrounding neighborhood, or otherwise detrimental to the public welfare.

17 (4) The condition giving rise to the requested variance has not been created by any person
18 presently having an interest in the property and the conditions cannot reasonably be
19 corrected or avoided by the applicant.

20 (5) The requested variance is the minimum modification of the regulation at issue that will afford
21 relief.

22 (j) *Effect of Variance Approval.*

23 Should the Board of Zoning Appeals approve a variance, with or without conditions, the variance
24 may be initiated and continued only if all of the other development standards of this Code and any
25 conditions imposed by the BZA are maintained and complied with. Any violation of the conditions
26 and safeguards that may be imposed on any variance by the BZA, when made a part of the terms
27 under which the variance is granted, shall be deemed a violation of this Code.

28 (k) *Time between Similar Applications.*

29 Whenever the BZA has denied an application for a variance, the BZA shall not thereafter consider
30 an identical application for a variance concerning all or part of the same property for a period of
31 six months from the date of such action, except that this requirement may be waived by the
32 positive votes of a majority of the members of the BZA when such action is deemed necessary.
33 Should the variance application, which was denied, be modified, the one year waiting period shall
34 not apply.

35 (l) *Administrative Variances.*

36 If the variance requested is for relaxation of the minimum development standards of no more than
37 ten percent of the requirements or one foot, whichever is greater, the owner may request that the
38 Zoning Official grant an administrative variance. If, upon proper investigation, the administrative

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1 variance is not found to be harmful to adjoining land uses or adverse to the public interest, the
2 Zoning Official may proceed to grant the administrative variance after the following procedure is
3 completed and no written objection is received from an adjoining property owner within the time
4 period specified. The Zoning Official shall review the application for sufficiency, which includes
5 completeness of the application and consistency with the Comprehensive Plan, Code of
6 Ordinances, and these Land Development Regulations.

7 (1) Mailed Notice.

8 The owners of property immediately adjoining subject property shall be mailed notice of the
9 Zoning Official's intention to grant a proposed administrative variance. This notice shall be
10 mailed prior to, or on the same day, the published notice appears in the newspaper and shall
11 also contain a description of the requested variance; address and legal description of subject
12 property; the existence of the adjoining property owner's right to object in writing and receive
13 a public hearing before the BZA, and a phone number to contact for more information. Notice
14 by mail shall be addressed to the adjoining property owners shown in the latest available
15 Charlotte County Property Appraiser Real Property Records. Such notice shall be
16 considered effective when placed in the United States mail, postage paid. Failure to comply
17 strictly with mailed notice requirements shall not invalidate the proceedings.

18 (2) Published Notice.

19 As soon as practicable after receiving a complete and sufficient application for an
20 administrative variance the Zoning Official shall publish a notice one time in a newspaper of
21 general circulation in the County. The published notice shall include a statement that the
22 Zoning Official intends to grant the requested administrative variance; and also include a
23 description of the requested variance; address and legal description of subject property; and
24 the existence of an adjoining property owner's right to object in writing and receive a public
25 hearing before the BZA. Failure to comply strictly with published notice requirements shall not
26 invalidate the proceedings.

27 (3) Action by Objector.

- 28 a. Any adjoining property owner wishing to object to a proposed administrative variance
29 shall submit a written objection within 15 calendar days of the date the published
30 notice appears in the newspaper. An adjoining property owner shall object in writing
31 to the Zoning Official regarding a proposed administrative variance and request a
32 public hearing of the matter before the BZA. Such objector shall state their name, the
33 nature of their interest, and the nature of their objection to the proposed
34 administrative variance. Any adjoining property owner wishing to object to a
35 proposed administrative variance shall also attend the scheduled public hearing in
36 person, or by agent or attorney, to testify before the BZA, state the reasons for their
37 objection and answer questions asked of them.

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1 b. Any objections from other than the adjoining property owners shall be taken into
2 consideration by the Zoning Official when making a determination on the
3 administrative variance request.

4 (4) Action by Applicant.

5 If there is a valid objector and the administrative variance is required to go before the BZA
6 then the applicant shall appear at the public hearing in person, or by agent or attorney, to
7 testify before the BZA, present their case for the application, and answer questions asked of
8 them. The applicant may also initiate any of the following actions; withdrawal of an
9 application, postponement of a scheduled public hearing, or request a continuance by the
10 BZA according to the same procedures stated elsewhere in this section of the Code.

11 (5) Action by Zoning Official.

12 The Zoning Official shall make a determination to deny or approve the requested
13 administrative variance. The final action by the Zoning Official, or the BZA, shall be
14 documented by the Zoning Official in a Decision Letter to the applicant, copies of which shall
15 be kept on file. The Zoning Official shall also create a Notice of Approval, which shall be
16 recorded in the office of the Clerk of the Circuit Court and made a part of the Official Records
17 of Charlotte County. A copy of the recorded Notice of Approval shall also be mailed to the
18 applicant.

19 a. If the Zoning Official should deny an application for an administrative variance, the
20 Zoning Official shall state fully in writing to the applicant the reasons for denial. Such
21 reasons shall take into account the Comprehensive Plan, Code of Ordinances, and the
22 Land Development Regulations as they may be applicable to the denial.

23 b. Should the Zoning Official determine that the requested administrative variance may be
24 approved, the Zoning Official shall mail and publish the notices required by this Code.

25 c. If the Zoning Official does not receive a written objection within 15 calendar days of the
26 date the published notice appears in the newspaper the Zoning Official may approve the
27 administrative variance requested.

28 d. If the Zoning Official does receive a written objection from an adjoining property owner
29 within 15 calendar days of the date the published notice appears in the newspaper then
30 the Zoning Official shall schedule a public hearing before the BZA regarding the
31 administrative variance requested and notice that public hearing according to
32 requirements for a regular variance in this Code. The applicant shall be responsible for
33 all additional cost incurred by the County for mailing and publishing additional notices.

34 (6) Action by Board of Zoning Appeals.

35 If the Zoning Official receives a valid written objection from an adjoining property owner, the
36 BZA shall hold a public hearing to obtain public input on the proposed administrative
37 variance. Following the public hearing the BZA may approve, approve with conditions, or

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1 deny the proposed administrative variance. The BZA shall state the reasons for their
2 decision, which shall be put in writing for the record, utilizing variance procedures set forth
3 herein.

1 **Sec. 3-9-7. Site Plan Review**

2 (a) *Applicability and Procedure.* The following procedure shall apply to any request for development
3 except individual single-family homes, individual duplex or individual triplex; notwithstanding the
4 foregoing; the Zoning Official may exempt from or include within the Site Plan Review process any
5 development project:



6

7 (b) *Initiation.* A request for Site Plan Review may be initiated by anyone with a legal interest in the
8 property; however, an applicant who is not the owner of the subject property shall be required to
9 present evidence of legal authority from the owner to submit an application. The survey, engineering
10 plans, landscaping plans, and building plans shall be prepared by a Florida registered surveyor,
11 professional engineer, or architect, respectively. The Site Plan Review process shall consist of either
12 a bifurcated preliminary and final review or a single comprehensive review.

13 (c) *Application Requirements.* A request for Site Plan Review shall be submitted in accordance with the
14 following requirements:

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Section 3-9-7. Site Plan Review

- 1 (1) *Forms.* Applications required under this section shall be submitted on forms and in such
2 numbers as required by the Zoning Official.
- 3 (2) *Fees.*
- 4 a. All applications and associated fees shall be filed with the Community Development
5 Department upon submission of an application.
- 6 b. The BCC shall, by resolution, fix reasonable permit fees to be charged by the Zoning
7 Official. These fees shall be reviewed on an annual basis.
- 8 c. An applicant who has paid the appropriate fee, but who chooses to withdraw their
9 application prior to its distribution for review shall be entitled to a refund of the total amount
10 paid minus a minimum of \$50.00 but up to a maximum of ten percent for administrative
11 costs, upon written request to the Community Development Department. Once review has
12 begun, no refund shall be available.
- 13 (3) *Application Processing.*
- 14 a. *Completeness Review.* All applications must be deemed complete by the Zoning Official
15 for processing before the County is required to review the application content. During the
16 completeness review process, no additions or modifications may be made to the submittal
17 unless requested or agreed to by the Zoning Official. This review shall be completed within
18 two business days. The Zoning Official may waive the strict requirements of this section.
- 19 b. *Sufficiency Review.* The sufficiency review shall be completed within five business days of
20 the completeness review, and a written notice of any insufficiencies in the application will
21 be provided to the applicant. The notice shall request the applicant to provide any required
22 additional or corrected information. The applicant shall have ten business days from the
23 date of the notice of insufficiency in the application to supply the information required in
24 order for the application to be accepted for review, or such longer time as may be specified
25 in the notice at the discretion of the Zoning Official.
- 26 c. *Site Plan Review.* Once an application is determined to be sufficient for processing, the
27 applicant shall be notified that the application has been accepted for review, copies of the
28 application shall be referred to the appropriate reviewing entities, and the process of
29 notification and public hearings, if any, required for the application shall begin. The Site
30 Plan Review cycle shall be a maximum of three weeks from the Thursday following the
31 date the application is deemed sufficient unless extended by the Zoning Official.
- 32 (4) *Simultaneous Applications.*
- 33 a. If approved by the Zoning Official, applications for other development approvals may be
34 filed and reviewed concurrently. Any application that also requires a variance and/or
35 Special Exception shall not be eligible for final approval until the variance and/or Special
36 Exception has been granted.
- 37 (d) *Amendments and Changes to Land Development Regulations*
- 38 All changes, amendments or additions to this Code shall apply to any final site plan application
39 except for those with current preliminary site plan approval at the time of adoption of changes,
40 amendments, or additions to this Code. Should the preliminary site plan approval expire, the
41 changes, amendments or additions shall apply to future application.
- 42 (e) *Preliminary Site Plan Review.*
- 43 (1) *Action by Review Agencies.* Review agencies, including Community Development, Public
44 Works, Utilities, and any other departments designated by the County Administrator, shall
45 review site plans for consistency with the adopted plans, policies and regulations of the County

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Section 3-9-7. Site Plan Review

1 and the requirements of this section. All review comments and conditions must be made during
2 the preliminary review, no additional comments or conditions may be made at final approval,
3 unless authorized by the Zoning Official.

4 (2) *Action by Zoning Official.* The Zoning Official shall review the application for consistency with
5 the Comprehensive Plan and these Land Development Regulations. The Zoning Official shall
6 issue the final decision to approve, approve with conditions, or deny the site plan application.
7 Where the Zoning Official denies the application, the reasons for denial shall be stated in writing
8 for the record.

9 (3) *Approval Criteria.* In evaluating any proposed site plan, the Zoning Official shall consider the
10 following:

- 11 a. The extent to which the proposed site plan is consistent with the Comprehensive Plan; and
12 b. The extent to which the proposed site plan is consistent with these Land Development
13 Regulations.

14 (4) *Effect of Preliminary Approval.* Preliminary site plan approval shall not be construed as a
15 recommendation to authorize any permits. It represents a general acceptance of the site plan
16 and places appropriate conditions on the approval to ensure compliance with this section.

17 (5) *Period of Validity.* The preliminary site plan approval shall be valid for a period of 12 months
18 from the date of Zoning Official approval and within which application for final approval must be
19 filed. Up to two extensions of up to 12 months each may be granted by the Zoning Official upon
20 filing such request a minimum of one month prior to the expiration date. Such extension must be
21 requested in writing and with payment of the appropriate fee.

22 (f) *Final Site Plan Review.*

23 (1) *Action by Review Agencies.* Review agencies including Community Development, Public
24 Works, Utilities, and any other departments designated by the County Administrator shall review
25 final site plans for consistency and the approved preliminary site plan, taking into account all
26 previously made review comments.

27 (2) *Action by Zoning Official.* After considering the review agencies comments, the Zoning Official
28 shall review the final site plan for consistency with this section and the approved preliminary site
29 plan, taking into account all previously made review comments. The Zoning Official shall then
30 issue the final decision to approve, approve with modifications, or deny the site plan application.
31 Where the Zoning Official denies the application, the reasons for denial shall be stated in writing
32 for the record.

33 (3) *Effect of Final Site Plan Approval.* Final site plan approval indicates an acceptance of the site
34 plan by the Zoning Official and authorizes applicants to apply for a building permit. The decision
35 of the Zoning Official shall be final and only appealable by the applicant within 30 days of the
36 written notice of decision to the BZA. By obtaining a building permit, the applicant waives the
37 right to appeal. Conditional approvals may only be granted by the Zoning Official.

38 (4) *Period of Validity.* The final site plan shall be valid for a period of three years from the date of
39 Zoning Official approval. One two-year extension may be granted at the discretion of the Zoning
40 Official. No additional extensions will be granted thereafter. If a portion of the approved final site
41 plan has been constructed and received a certificate of occupancy, the remainder of the
42 approved plan shall remain valid unless a major modification is requested.

43 (g) *Conformity to Plan.* All development and construction activity must conform to the approved final site
44 plan. As a condition to the granting of a certificate of occupancy, the applicant shall file a certificate
45 by a registered engineer or architect that all development and construction activity has conformed to
46 the approved final site plan.

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Section 3-9-7. Site Plan Review

- 1 (h) *Modification of Site Plans.* Any proposed amendment, deviation or change to an approved site plan
2 must be reviewed by the Zoning Official to determine whether the proposed change constitutes a
3 minor or major modification. Such a request must be filed in writing, and a written determination will
4 be rendered within ten working days of such request. The applicant may appeal the decision of the
5 Zoning Official within 30 days of the written determination to the BZA.
- 6 (1) Minor modifications are slight variations or alterations to the site plan such as a shift of a
7 building footprint, deletion of excess parking spaces, etc., which cannot reasonably be
8 expected to cause a change in the internal functioning of the site or its off-site impacts. Minor
9 modifications may be authorized by the Zoning Official, or his/her designee, when determined
10 to be consistent with the approved site plan. Such a request must be filed stating the nature of
11 the request and justification for such, as well as an updated site plan illustrating the proposed
12 change. The Zoning Official shall provide written response within ten working days to the
13 applicant. If the Zoning Official denies the minor modification, the reasons for denial shall be
14 stated in the response. Regardless of whether the minor modification is approved prior to or
15 after a building permit has been issued, the applicant may proceed with the requested change
16 upon a favorable decision from the Zoning Official.
- 17 Minor modifications generally meet the following standards:
- 18 (a) Does not substantially alter the location of any points of access to the site.
19 (b) Does not change the general site plan in a manner which requires additional site plan
20 approval or the parameters of development remain unchanged.
21 (c) Does not increase the density or intensity of the development to occur on the property.
22 (d) Does not result in a reduction of previously required open space, minimum setbacks,
23 general building location, or landscaping counts.
24 (e) Is consistent with the general intent and purpose of this Code.
25 (f) Does not result in a material modification or the cancellation of any condition placed
26 upon the site plan as originally approved.
27 (g) Does not add additional property to the site.
28 (h) Does not substantially change the internal or external traffic pattern.
29 (i) Does not increase the height of the building(s) including approved rooftop
30 appurtenances by more than 10% of such building height.
31 (j) Does not increase the floor area by more than 500 square feet.
- 32 (2) Major modifications are non-minor additions, deletions or changes in the use, density and
33 location of structures of an approved site plan. Other modifications may be determined to be
34 major if the Zoning Official determines they deviate substantially from an approved site plan
35 and can reasonably be expected to cause adverse changes in internal functions or its off-site
36 impacts. Such changes need to be reviewed by the Zoning Official in the same manner as a
37 new application.

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Section 3-9-9. Legal Nonconformities

1 **Sec. 3-9-9. Legal Nonconformities**

2 (a) *Intent.* At the time the ordinance from which this Chapter derives becomes effective or is amended,
3 there may exist lots, structures, uses of land or water or characteristics of use which were lawful prior
4 to the adoption or amendment of the regulations herein, but are prohibited, regulated or restricted by
5 these regulations or amendments thereto. It is the intent of these regulations that nonconformities
6 shall not be enlarged, expanded, intensified or extended, nor shall they be used as a basis for the
7 addition of other structures or uses otherwise prohibited in the same district.

8 (b) *Continuation of Nonconformity.*

9 (1) A lot, use, building or structure lawfully in existence on the effective date of the ordinance from
10 which this chapter derives which is made nonconforming by the regulations herein or an
11 amendment thereto may be continued except as otherwise provided by these regulations.

12 (2) Disaster recovery on the bridgeless barrier islands. Following a natural disaster, as determined
13 by the BCC, a structure that was legally nonconforming at the time of the disaster may be
14 replaced or restored on the original footprint. There shall be no increase in square footage or
15 residential density beyond what originally existed. All construction shall be in compliance with
16 applicable County, State and federal standards.

17 (c) *Nonconforming Lots of Record.*

18 (1) "Nonconforming or substandard lot" shall mean a lot of which the area, dimension or location
19 was lawful prior to the adoption, revision or amendment of this chapter and which fails by
20 reason of such adoption, revision or amendment to conform to the requirements for the zoning
21 district in which the lot is located.

22 (2) For the purpose of this chapter, a lot is "created" on such date that one of the following
23 conditions occur:

24 a. The date that a deed for said lot is lawfully first recorded in the public records of the
25 County; or

26 b. The date that a subdivision plat has been lawfully recorded in the public records of the
27 County and the lot is a part of the subdivision.

28 (3) Nonconforming lots of record may be developed provided:

29 a. The proposed development meets all the requirements of this Code, except that residential
30 lots which are nonconforming because of width may reduce the required side yard to ten
31 percent of the lot width. No required side yard shall be less than five feet.

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Section 3-9-9. Legal Nonconformities

1 b. The burden of proof to establish that the lot is legally nonconforming and legally existing on
2 October 22, 1990 shall be with the owner.

3 (4) *Nonconforming Multifamily Lot:* Any lot, platted and recorded on the effective date of the
4 regulation from which this section is derived, which is located in a zoning district that permits
5 multifamily residential dwellings and which exceeds in area the minimum lot size for the district
6 but which does not contain the area required by the district for two dwelling units nevertheless
7 may have constructed on it two dwelling units. Notwithstanding the foregoing, the density shall
8 not exceed the maximum density permitted by the comprehensive plan.

9 (5) *Restrictions.*

10 a. No division of any buildable lot may be permitted which creates a lot with width, depth, or
11 area below the minimum requirements stated in this section unless the lot that is below the
12 minimum requirements is for one or more of the following uses: park, open space, or
13 utilities.

14 b. Contiguous lots of record may be combined and redivided to create larger dimension lots
15 of record as long as such recombination includes the total area of the lots.

16 (d) *Current Nonconforming Use.* A use that was legally nonconforming on the effective date of these
17 regulations [November 25, 2014], may be continued provided:

18 (1) No nonconforming use shall be enlarged, intensified, increased or extended to occupy a greater
19 area of land than it occupied on the effective date of this chapter;

20 (2) No such nonconforming use shall be moved to any portion of the lot or parcel other than that
21 occupied by such use on the effective date of this chapter.

22 (3) If any nonconforming use ceases for a period to exceed one year for any reason except when
23 governmental action impedes use, any subsequent use shall conform to the applicable district
24 regulations.

25 (e) *Conforming Uses.*

26 (1) All uses permitted through the previous zoning districts (1989 version, as may be amended) shall
27 be deemed permitted until such time as a rezoning takes place after December 8, 2014. All
28 development standards set forth in this Code shall apply to any future development of the property.

29 (2) All existing uses permitted through the previous zoning districts (1989 version, as may be
30 amended) shall be deemed conforming. All development standards set forth in this Code shall apply
31 to any future development of the property.

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Section 3-9-9. Legal Nonconformities

1 (f) *Nonconforming Structures.* A structure lawfully in existence on the effective date of the ordinance
2 from which this chapter derives which is made nonconforming by the regulation herein or any amendment
3 thereto may be continued provided:

4 (1) Nonconforming structure may not be enlarged or moved until brought into compliance with this
5 Code, such as through the approval of a Variance or physical modification of the structure
6 unless the enlargement or moving of the structure does not increase the nonconformity..

7 (2) Only ordinary repairs and maintenance, including repair or replacement of roof covering, walls,
8 fixtures, wiring or plumbing, shall be permitted.

9 (3) If any such nonconforming structure is destroyed to an extent of more than 50 percent of its
10 replacement cost at the time of destruction as determined by the replacement valuation on the
11 most recent county tax roll, it shall not be reconstructed except in conformity with these
12 regulations.

1 **Sec. 3-9-10. Amendments**

- 2 (a) *Generally.* This Chapter and the Official Zoning Atlas may, from time to time, be amended or
3 repealed as provided in this Section.
- 4 (b) *Initiation of proposals for amendments.* An amendment to this Chapter or the Zoning Atlas may be
5 proposed by anyone with a legal interest in the property or this Chapter; however, an applicant who
6 is not the owner of the subject property shall be required to present evidence of legal authority from
7 the owner to submit an application.
- 8 (c) *Written petition.* Applications for rezoning shall be obtained from and filed with the appropriate
9 County Department and shall be accompanied by the applicable fee to be established by resolution
10 of the BCC. No application for zoning amendment shall be heard by the P&Z Board until such fees
11 and charges have been paid by the petitioner or waived by the BCC. The Department Director or
12 his/her designee shall review the application for sufficiency and completeness. If additional
13 information is required, the Department Director or his/her designee shall advise the applicant within
14 ten working days after receipt of the application. Upon finding the application to be correct and
15 complete, it shall be scheduled for a public hearing before the P&Z Board at the next available
16 meeting. The Department Director or his/her designee shall also review the application for
17 consistency with the Comprehensive Plan and the applicable land development regulations used to
18 implement the Comprehensive Plan. Should any conflict exist as a result of the consistency review,
19 the applicant shall be advised of such at least five days prior to the P&Z Board meeting at which the
20 application is scheduled to be heard. At a minimum, applications for rezoning shall include the
21 following:
- 22 (1) A certified survey of the property to be rezoned.
- 23 (2) A legal description of the entire property to be rezoned, including the size of the parcel involved.
- 24 (3) A narrative stating the applicant's justification for the rezoning request based upon the
25 standards for approval of such a rezoning request set forth in subsection (h)(1).
- 26 (d) *Published Notice.* No request for a zoning amendment may be considered by the P&Z Board until
27 such time as notice of a public hearing on the proposed amendment has been given by publication in
28 a newspaper of general circulation in the county at least 15 calendar days in advance of the public
29 hearing.
- 30 (e) *Mailed Notice.*
- 31 (1) The County shall notify the owner of each property located within 200 feet of the subject
32 property via first-class mail sent to the last address listed for each owner in the County Property
33 Appraiser records except as provided herein.
- 34 (2) The notice shall be mailed at least ten days prior to the date of the P&Z public hearing and at
35 least 30 days prior to the date of each BCC public hearing.
- 36 (3) Mailed notice under this Section shall not be required if a rezoning directly affects more than 50
37 properties owned by a total of at least 50 different property owners, and the County elects to
38 publish notice of the hearing as provided for in this Code.
- 39 (4) Failure to receive a mailed notice shall not invalidate the proceedings.
- 40 (f) *Posted Notice.* The County shall post notice at the subject property not less than ten days prior to
41 the public hearing at which the application will be heard. The notice shall contain the time, date and
42 place of the public hearing and shall state the action being considered. The notice shall be posted on
43 the subject property or at a point visible from the nearest public street.
- 44 (g) *Constructive Notice.* Minor defects in notice shall not impair the notice or invalidate proceedings if a
45 good faith attempt has been made to comply with applicable notice requirements.

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- 1 (h) *Standards for approval.*
- 2 (1) For the rezoning of land, the recommendations of the P&Z Board and decision of the Board of
3 County Commissioners (BCC) shall be made after giving due consideration to:
- 4 a. Whether the proposed change is consistent with the Comprehensive Plan;
- 5 b. The existing land use pattern in adjacent areas;
- 6 c. The capacity of public facilities and services, including but not limited to schools, roads,
7 recreational facilities, wastewater treatment, water supply, and stormwater drainage
8 facilities;
- 9 d. Whether the proposed change will adversely influence living conditions or property values
10 in adjacent areas;
- 11 e. Whether the proposed change will affect public safety;
- 12 (2) Decision of the BCC:
- 13 a. The BCC must find that the Applicant has shown the proposal is consistent with the
14 Comprehensive Plan and complies with all procedural requirements of this zoning code;
- 15 b. Upon making such a positive finding, if the BCC wishes to deny the petition then the burden
16 shifts to the BCC to demonstrate that maintaining the existing zoning classification with
17 respect to the property accomplishes a legitimate public purpose.
- 18 (3) When pertaining to other proposed amendments of these zoning regulations, the P&Z Board
19 shall consider:
- 20 a. The need and justification for the proposed change; and
- 21 b. The relationship of the proposed amendment to the comprehensive plan.
- 22 (i) *Board of County Commissioners action on P&Z Board recommendations.* Upon receipt of the P&Z
23 Board recommendations, the BCC shall hold a second public hearing with notice to be given as
24 required by law (Section 125.66 F.S.) and by subsections (d), (e), and (f) above.
- 25 (j) *Notice of Decision.* Written notice of decision shall be sent to the applicant and a copy shall be
26 placed on file with the County within ten business days of a decision being rendered, where it shall
27 be available for public inspection during regular office hours. A copy of the ordinance adopting the
28 change shall be sent to the applicant after the ordinance is recorded by the County Clerk.
- 29 (k) *Withdrawal of Application.* An applicant or legally appointed representative may request the
30 withdrawal of a previously submitted application at any time. A request to withdraw an application
31 shall be provided in writing to the Zoning Official unless the applicant requests such withdrawal on
32 the record at a scheduled public hearing. A written request shall be signed by all persons who
33 signed the application or by a legally appointed representative. The Zoning Official may authorize a
34 refund of all or part of the application fee if an application is withdrawn more than four weeks prior to
35 the first scheduled public hearing. If a request to withdraw an application is made less than four
36 weeks prior to the first scheduled public hearing, then no part of the application fee shall be
37 refunded.
- 38 (l) *Postponement of Scheduled Public Hearings by Applicant(s).* An applicant may request
39 postponement of a scheduled public hearing to any one of the next four scheduled public meeting dates
40 of the presiding Board provided that such date is available. A request to postpone the scheduled public
41 hearing must be made in writing and must be received by the Zoning Official at least 15 calendar days
42 prior to the scheduled public hearing. The request shall be signed by all persons who signed the
43 application or by a legally appointed representative. The Zoning Official shall remove the application from
44 the agenda and mail notice of such change to all property owners included in the original mailing. The
45 notice of change shall indicate the application's postponement of public hearing and shall include the date
46 and time of the rescheduled public hearing if such information is available. If the date and time of the
47 rescheduled public hearing is not available at the time of this mailing, a separate notice of public hearing
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- 1 shall be mailed in accordance with the requirements of subsection (e) above. The applicant shall pay the
- 2 cost of all additional published and mailed notices if such notices are required.

Environmental and Agricultural Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	ES	Specific Regulations	Specific Uses	PKR	Specific Regulations	Specific Uses	AG	Specific Regulations	Specific Uses	EM	Specific Regulations
Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Uses Only Apply to Upland:			4H, FFA and similar uses and activities	P		4H, FFA and similar uses and activities	P	
Bed and breakfast, 3 or more bedrooms	S		Amphitheater	S		Agricultural industrial activities, leather tanning, wool processing, meat curing	S		Agricultural industrial activities, leather tanning, wool processing, meat curing	S	
Campground	S		Animal sanctuary, zoo	S		Airport	S		Airport	S	
Emergency services	S		Auditorium, convention center, performing arts center	S		Amphitheater	S		Amphitheater.		
Essential services	S	Sec. 3-9-71	Boat ramps	P		Animal and poultry slaughter, stockyards, rendering	S		Animal and poultry slaughter, stockyards, rendering	S	
Fish and wildlife management area, nature preserve	P		Campground	S		Animal hospital with indoor or outdoor facilities	S		Animal hospital and boarding facility with indoor or outdoor facilities	S	
Gamelands, public and private	P		Cemetery, mausoleum	P		Animal sanctuary, zoo	S		Animal sanctuary, zoo	S	
Government uses and facilities	S		Clubhouse, community center	S		Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62
Manufactured home (DCA)	P		Community garden	P		Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62
Manufactured home (HUD)	C	Sec. 3-9-69	Golf course	P		Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69
Outdoor educational facility	P		Government uses and facilities	P		Bed and breakfast, 3 or more bedrooms	S		Bed and breakfast, 3 or more bedrooms	S	
Park, public or not-for-profit	P		Leisure vehicle rental	S		Biofuel production, 5,000 to 15,000 gal per day	S		Biofuel production, 5,000 to 15,000 gal per day	S	
Single-family detached	P		Livestock breeding, boarding, training, and grazing	C	Sec. 3-9-69	Biofuel production, greater than 15,000 gal per day	S		Biofuel production, greater than 15,000 gal per day	S	
Water conservation areas, reservoirs and control structures, drainage systems and water wells	P		Marina	S		Biofuel production, less than 5,000 gal per day	P		Biofuel production, less than 5,000 gal per day	P	

Environmental and Agricultural Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	ES	Specific Regulations	Specific Uses	PKR	Specific Regulations	Specific Uses	AG	Specific Regulations	Specific Uses	EM	Specific Regulations
			Motor sports track, venue	S		Campground	S		Campground	S	
			Outdoor educational facility	P		Cemetery, mausoleum	P		Cemetery, mausoleum	P	
			Outdoor market or exhibition space	S		Clubhouse, community center	S		Clubhouse, community center	S	
			Park, public or not-for-profit	P		Cluster housing	S	Sec. 3-9-67	Cluster housing	S	Sec. 3-9-67
			Place of Worship	S	Sec. 3-9-82	Community garden	P		Commercial excavation	P	
			Recreation, indoor	P		Composting facility	S	Sec. 3-9-70	Community garden	P	
			Recreation, outdoor	P		Concentrated animal feeding operation	S		Composting facility	S	Sec. 3-9-70
			Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Conservation subdivision	C	Sec. 3-9-69	Concentrated animal feeding operation	S	
			Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68	Correctional facility	S		Conservation subdivision	C	Sec. 3-9-69
			Uses Only Apply to Submerged Land:			Dairy, grain, fruit, field crop, and vegetable processing	S		Correctional facility	S	
			Boat docks, boat lifts, ramps and piers	P		Dairy, grain, fruit, field crop and vegetable production, cultivation, packing, and storage	P		Dairy, grain, fruit, field crop, and vegetable processing	S	
			Boat houses	S		Domestic animal breeding, boarding, and training	P		Dairy, grain, fruit, field crop, and vegetable production, cultivation, packing, and storage	P	
			Houseboats and boats used for living purposes	S	Sec. 3-9-65.1	Elementary, middle or high school	S		Domestic animal breeding, boarding and training	P	
			Mooring fields	S		Emergency services	P		Elementary, middle, or high school	S	
			Navigational markers and signal devices	P		Essential services	S	Sec. 3-9-71	Emergency services	P	

Environmental and Agricultural Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	ES	Specific Regulations	Specific Uses	PKR	Specific Regulations	Specific Uses	AG	Specific Regulations	Specific Uses	EM	Specific Regulations
			Principal structures and uses which relate directly and immediately to permitted uses in upland zoning classifications abutting a PKR district	S		Exotic animal breeding, boarding, and training	S		Essential services	S	Sec. 3-9-71
			Seawalls, bulkheads, riprap, and similar structures	P		Farm equipment sales and service	S		Exotic animal breeding, boarding, and training	S	
			Uses such as boating, swimming, fishing, diving, water skiing, surfboarding, wading, and similar activities	P		Farm labor housing	C	Sec. 3-9-69	Farm equipment sales and service	S	
						Fertilizer manufacturing	S		Farm labor housing	C	Sec. 3-9-69
						Fish and wildlife management area, nature preserve	P		Fertilizer manufacturing	S	
						Fish hatchery	P		Fish and wildlife management area, nature preserve	P	
						Gamelands, public or private	P		Fish hatchery	P	
						Gas station	S		Gamelands, public or private	P	
						Government uses and facilities	S		Gas station	S	
						Guest home	C	Sec. 3-9-69	Government uses and facilities	S	

Environmental and Agricultural Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	ES	Specific Regulations	Specific Uses	PKR	Specific Regulations	Specific Uses	AG	Specific Regulations	Specific Uses	EM	Specific Regulations
						Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture, aquaculture, and commercial citriculture	P		Guest home	C	Sec. 3-9-69
						Heliport, helistop	S		Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture, aquaculture, and commercial citriculture	P	
						Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses	P		Heliport, helistop	S	
						Livestock auction	S		Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses	P	
						Livestock breeding, boarding, training, and grazing	P		Livestock auction	S	
						Lumberyard	S		Livestock breeding, boarding, training, and grazing	P	
						Major Home Occupation	S	Sec. 3-9-74	Lumberyard	S	
						Manufactured home (DCA)	P		Major Home Occupation	S	Sec. 3-9-74
						Manufactured home (HUD)	C	Sec. 3-9-69	Manufactured home (DCA)	P	
						Minor Home Occupation	P	Sec. 3-9-74	Manufactured home (HUD)	C	Sec. 3-9-78
						Minor yard trash processing facility	C	Sec. 3-9-69 / Sec. 3-9-70	Minor Home Occupation	P	Sec. 3-9-74

Environmental and Agricultural Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	ES	Specific Regulations	Specific Uses	PKR	Specific Regulations	Specific Uses	AG	Specific Regulations	Specific Uses	EM	Specific Regulations
						Model home	P	Sec. 3-9-78	Minor yard trash processing facility	C	Sec. 3-9-69 / Sec. 3-9-70
						Motor sports track, venue	S		Model home	P	Sec. 3-9-78
						Outdoor educational facility	P		Motor sports track, venue	S	
						Outdoor market space or exhibition space	S		Outdoor educational facility	P	
						Park, public or not-for-profit	P		Outdoor market space or exhibition space	S	
						Pistol, rifle, skeet, trap shooting and archery ranges	S		Park, public or not-for-profit	P	
						Place of Worship	S	Sec. 3-9-82	Pistol, rifle, skeet, trap shooting and archery ranges	S	
						Plant nursery	P		Place of Worship	S	Sec. 3-9-82
						Power plant	S		Plant nursery	P	
						Private clubs	S		Power plant	S	
						Private landing field	S		Private clubs	S	
						Raising of poultry	P		Private landing field	S	
						Recreation, outdoor	S		Raising of poultry	P	
						Sawmill, machine shop	S		Recreation, outdoor	S	
						Single-family detached	P		Sawmill, machine shop	S	
						Single-family residences used as a foster care facilities	S		Single-family detached	P	
						Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Single-family residences used as a foster care facilities	S	
						Telecommunications facility, greater than 50 feet in height	P	Sec. 3-9-68	Solid waste combustor	S	Sec. 3-9-70
						Transfer station	S	Sec. 3-9-70	Solid waste disposal facility	S	Sec. 3-9-70
						University or college	S		Stockpiling of fill	P	

Environmental and Agricultural Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	ES	Specific Regulations	Specific Uses	PKR	Specific Regulations	Specific Uses	AG	Specific Regulations	Specific Uses	EM	Specific Regulations
									Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68
									Telecommunications facility, greater than 50 feet in height	P	Sec. 3-9-68
									Transfer station	S	Sec. 3-9-70
									University or college	S	

Residential Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	RE	Specific Regulations	Specific Uses	RSF	Specific Regulations	Specific Uses	RMF	Specific Regulations	Specific Uses	RMF-T	Specific Regulations	Specific Uses	MHP	Specific Regulations	Specific Uses	MHC	Specific Regulations	Specific Uses	RVP	Specific Regulations
4H, FFA, and similar uses and activities	C	Sec. 3-9-69	Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69	Assisted living facility or day care center, adult, six or less	p	Sec. 3-9-62	Manufactured home (HUD)	P		Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Emergency services	S	
Animal sanctuary, zoo	S		Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69	Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Essential services	S	Sec. 3-9-71
Assisted living facility or day care center, adult, seven or more	S	Sec. 3-9-62	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Bar, cocktail lounge, nightclub, tavern	S		Assisted living facility or day care center, adult, six or less	S	Sec. 3-9-62	Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Management offices and maintenance facilities	P	
Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Bed and breakfast, 3 or more bedrooms.	S		Bed and breakfast, 3 or more bedrooms	S		Bed and breakfast, 1 or 2 bedrooms	P		Clubhouse	C	Sec. 3-9-69	Bed and breakfast, 3 or more bedrooms	S		Manager's residence	P	
Bed and breakfast, 1 or 2 bedrooms	C	Sec. 3-9-69	Cemetery, mausoleum	S		Boarding, rooming house	C	Sec. 3-9-69	Bed and breakfast, 3 or more bedrooms	P		Community garden	S		Clubhouse	C	Sec. 3-9-69	Park recreational facilities	P	
Bed and breakfast, 3 or more bedrooms	S		Clubhouse	C	Sec. 3-9-69	Clubhouse	C	Sec. 3-9-69	Boarding, rooming house	C	Sec. 3-9-69	Emergency services	S		Day care center, child	S		Recreational Vehicles, travel trailers, motor homes, camping tents and trailers	P	
Cemetery, mausoleum	S		Cluster housing	C	Sec. 3-9-67 / Sec. 3-9-69	Cluster housing	P	Sec. 3-9-67	Campground	S		Essential services	S	Sec. 3-9-71	Elementary, middle, or high school	S		Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68
Clubhouse	C	Sec. 3-9-69	Community garden	S		Duplex or triplex	P		Clubhouse	S		Major Home Occupation	S	Sec. 3-9-74	Emergency services.	P				
Cluster housing	C	Sec. 3-9-67 / Sec. 3-9-69	Day care center, child	S		Elementary, middle, or high school	S		Duplex or triplex.	P		Manufactured home (DCA)	S		Essential services	S	Sec. 3-9-71			
Community garden	P		Elementary, middle, or high school	S		Emergency services	P		Emergency services	P		Minor Home Occupation	P	Sec. 3-9-74	Government uses and facilities	S				
Day care center, child	S		Emergency services	P		Essential services	S	Sec. 3-9-71	Essential services	S	Sec. 3-9-71	Park offices and maintenance facilities	P		Guest home	C	Sec. 3-9-69			
Domestic animal breeding, boarding, and training	C	Sec. 3-9-69	Essential services	S	Sec. 3-9-71	Government uses and facilities	S		General retail sales and services	S		Park recreational facilities	P		Major Home Occupation	S	Sec. 3-9-74			
Elementary, middle, or high school	S		Government uses and facilities	S		Major Home Occupation	S	Sec. 3-9-74	Government uses and facilities	S		Park, public or not-for-profit	P		Manufactured home (DCA)	P				
Emergency services	P		Guest home	C	Sec. 3-9-69	Manufactured home (DCA)	P		Hotel, motel, inn	P		Place of Worship	S	Sec. 3-9-82	Manufactured home (HUD)	P				
Essential services	S	Sec. 3-9-71	Major Home Occupation	S	Sec. 3-9-74	Minor Home Occupation	P	Sec. 3-9-74	Leisure vehicle rental	S		Private clubs	S		Minor Home Occupation	P	Sec. 3-9-74			
Fish and wildlife management area, nature preserve	S		Manufactured home (DCA)	P		Model home	P	Sec. 3-9-78	Liquor, package store	S		Recreational Vehicle use	C	Sec. 3-9-69	Model home	P	Sec. 3-9-78			
Government uses and facilities	S		Minor Home Occupation	P	Sec. 3-9-74	Multifamily	P		Major Home Occupation	S	Sec. 3-9-74	Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Noncommercial boat docks	P				
Guest home	C	Sec. 3-9-69	Model home	P	Sec. 3-9-78	Noncommercial boat docks	P		Manufactured home (DCA)	P					Park, public or not-for-profit	P				
Horse stable	C	Sec. 3-9-69	Noncommercial boat docks	P		Nursing home	C	Sec. 3-9-69	Marina	C	Sec. 3-9-69				Place of Worship	S	Sec. 3-9-82			
Livestock breeding, boarding, training, and grazing	S		Park, public or not-for-profit	P		Park, public or not-for-profit	P		Minor Home Occupation	P	Sec. 3-9-74				Private clubs	S				

Residential Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	RE	Specific Regulations	Specific Uses	RSF	Specific Regulations	Specific Uses	RMF	Specific Regulations	Specific Uses	RMF-T	Specific Regulations	Specific Uses	MHP	Specific Regulations	Specific Uses	MHC	Specific Regulations	Specific Uses	RVP	Specific Regulations
Major Home Occupation	S	Sec. 3-9-74	Place of Worship	S	Sec. 3-9-82	Place of Worship	S	Sec. 3-9-82	Multifamily	P					Single-family detached	P				
Manufactured home (DCA)	P		Private clubs	S		Private clubs	S		Nursing home	C	Sec. 3-9-69				Subdivided lots with 50 foot wide frontage and 5,000 square foot lot	C	Sec. 3-9-69			
Minor Home Occupation	P	Sec. 3-9-74	Single-family detached	P		Single-family detached or attached	P		Paid or public parking lot, garage, structure	S					Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-62			
Model home	P	Sec. 3-9-78	Subdivided lots with 50 foot wide frontage and 5,000 square foot	C	Sec. 3-9-69	Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Personal services	P										
Noncommercial boat docks	P		Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68	Place of Worship	S	Sec. 3-9-82									
Park, public or not-for-profit	P		Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68	Transitional / halfway housing	C	Sec. 3-9-69	Private clubs.	S										
Place of Worship	S	Sec. 3-9-82	University or college	S		University or college	S		Recreation, indoor	S										
Plant nursery	S		Yacht clubs, country clubs, and other recreational amenities	S		Yacht clubs, country clubs, and other recreational amenities	S		Recreational Vehicle use	S										
Private clubs	S								Restaurant	S										
Private landing field	S								Single-family attached or detached	P										
Single-family detached	P								Specialty shops	P										
Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68							Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68									
Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68							Yacht clubs, country clubs, and other recreational amenities	S										
University or college	S																			
Yacht clubs, country clubs, and other recreational amenities	S																			

Commercial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	OMI	Specific Regulations	Specific Uses	CN	Specific Regulations	Specific Uses	CT	Specific Regulations	Specific Uses	CG	Specific Regulations
Animal hospital, boarding facility	C	Sec. 3-9-69	Animal hospital and boarding facility	C	Sec. 3-9-69	Amphitheater	S		Amphitheater	S	
Art, dance, music, photo studio or gallery	P		Art, dance, music, photo studio or gallery	P		Animal hospital, boarding facility	P		Animal hospital, boarding facility	P	
Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69	Art, dance, music, photo studio or gallery	P		Animal sanctuary, zoo	S	
Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec.3-9-69	Art, dance, music, photo studio or gallery	P	
Bank, financial services	P		Bank, financial services	P		Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62	Assisted living facility or day care center, adult, seven or more	C	Sec. 3-9-62 / Sec. 3-9-69
Business services	P		Bar, cocktail lounge, nightclub, tavern	S		Auditorium, convention center, performing arts center	P		Assisted living facility or day care center, adult, six or less	P	Sec. 3-9-62
Day care center, child	P		Business services	P		Bank, financial services	P		Auditorium, convention center, performing arts center	P	
Detox center and substance abuse center	C	Sec. 3-9-69	Day care center, child	P		Bar, cocktail lounge, nightclub, tavern	P		Bank, financial services	P	
Drug store, pharmacy	P		Drug store, pharmacy	P		Bed and breakfast, 1 or 2 bedrooms	P		Bar, cocktail lounge, nightclub, tavern	P	
Duplex or triplex	C	Sec. 3-9-69	Dry cleaner	P		Bed and breakfast, 3 or more bedrooms	P		Biofuel production, less than 5,000 gal per day	S	
Elementary, middle, or high school	P		Emergency services	P		Business services	P		Boat, travel trailer and motor vehicle repair, services	C	Sec. 3-9-69
Emergency services	P		Essential services	S	Sec. 3-9-71	Clubhouse, community center	P		Boat, travel trailer and motor vehicle sales	C	Sec. 3-9-69
Essential services	S	Sec. 3-9-71	Gas station	S		Drug store, pharmacy	P		Building trades contractor's office	C	Sec. 3-9-69
General offices	P		General offices	P		Duplex or triplex	C	Sec. 3-9-69	Building trades contractor's office with storage yard on-premises	S	
Government uses and facilities	P		General retail sales and services	P	Sec. 3-9-61	Emergency services	P		Business services	P	
Heliport, helistop	S		Government uses and facilities	S		Essential services	P	Sec. 3-9-71	Clubhouse, community center	P	

Commercial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	OMI	Specific Regulations	Specific Uses	CN	Specific Regulations	Specific Uses	CT	Specific Regulations	Specific Uses	CG	Specific Regulations
Hospital	P		Laundromat	P		Gas station	P		Commercial laundry	S	
Laboratories, class 1, 2, 3	C	Sec. 3-9-69	Liquor, package store	P		General offices	P		Commercial vehicle rental	S	
Major Home Occupation	S	Sec. 3-9-74	Medical or dental office, clinic	P		General retail sales and services	P		Day care center, child	P	
Manufactured home (DCA)	C	Sec. 3-9-69	Outdoor market or exhibition space	S		Golf course	P		Drug store, pharmacy	P	
Medical or dental office, clinic	P		Park, public or not-for-profit	P		Government uses and facilities	P		Dry cleaner	P	
Minor Home Occupation	P	Sec. 3-9-74	Personal services	P		Hotel, motel, inn	P		Elementary, middle, or high school	P	
Model home	P	Sec. 3-9-78	Place of Worship	P	Sec. 3-9-82	Laundromat	P		Emergency services	P	
Multifamily	C	Sec. 3-9-69	Post office	P		Leisure vehicle rental	S		Essential services		Sec. 3-9-71
Nursing home	P		Professional services	P		Liquor, package store	P		Farm equipment sales and service	C	Sec. 3-9-69
Paid or public parking lot, garage, structure	S		Restaurant	P		Major Home Occupation	S	Sec. 3-9-74	Funeral homes, crematoria	P	
Pain management clinic	P	Sec. 3-9-80	Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Marina	P		Gas station	P	
Park, public or not-for-profit	P		Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68	Minor Home Occupation	P	Sec. 3-9-74	General offices		
Personal services	P					Model home	S	Sec. 3-9-78	General retail sales and services	P	Sec. 3-9-61
Place of Worship	P	Sec. 3-9-82				Multifamily	C	Sec. 3-9-69	Government uses and facilities	P	
Private off-site parking	C	Sec. 3-9-69				Noncommercial vehicle rental	S		Heavy machinery, equipment rental, sales, service	S	
Professional services	P					Paid or public parking lot, garage, structure	P		Heliport, helistop	S	
Sanitariums	P					Park, public or not-for-profit	P		Homeless shelter	P	
Single-family attached or detached	C	Sec. 3-9-69				Personal services	P		Hospital	P	
Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68				Place of Worship	P	Sec. 3-9-82	Hotel, motel, inn	P	

Commercial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	OMI	Specific Regulations	Specific Uses	CN	Specific Regulations	Specific Uses	CT	Specific Regulations	Specific Uses	CG	Specific Regulations
Telecommunications facility, greater than 50 feet in height	P	Sec. 3-9-68				Private clubs	P		Industrial marina	S	
Transitional / halfway housing	C	Sec. 3-9-69				Private off-site parking	C	Sec. 3-9-69	Laboratories, Class 1, 2, 3	C	Sec. 3-9-69
University or college	P					Professional services	P		Laundromat	P	
Vocational, trade, or business school	P					Recreation, indoor	P		Leisure vehicle rental	S	
						Recreation, outdoor	S		Light manufacturing and assembly in a completely enclosed building	S	
						Restaurant	P		Liquor, package store	P	
						Single-family attached or detached	C	Sec. 3-9-69	Lumberyard	S	
						Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Marina	C	Sec. 3-9-69
									Mass transit station	P	
									Medical or dental office, clinic	P	
									Mini-warehouses or storage facilities	P	
									Model home	P	Sec. 3-9-78
									Motor vehicle wash	P	
									Noncommercial vehicle rental	C	Sec. 3-9-69
									Nursing home	P	
									Outdoor market or exhibition space	S	
									Paid or public parking lot, garage, structure	P	
									Park, public or not-for-profit	P	
									Personal services	P	
									Place of Worship	P	Sec. 3-9-82
									Post office	P	
									Printing facilities	P	
									Private club	P	
									Private off-site parking	C	Sec. 3-9-69
									Professional	P	
									Railroad sidings	S	

Commercial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	OMI	Specific Regulations	Specific Uses	CN	Specific Regulations	Specific Uses	CT	Specific Regulations	Specific Uses	CG	Specific Regulations
									Recreation, indoor	P	
									Recreation, outdoor	P	
									Restaurant	P	
									Sexually oriented business	P	Sec. 3-9-84
									Storage of boat, travel trailer and motor vehicle	S	
									Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68
									Telecommunications facility, greater than 50 feet in height	S	Sec. 3-9-68
									Truck stop	S	
									University or college	P	
									Vocational, trade, or business school	P	
									Wholesale sales	P	

Industrial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	IG	Specific Regulations	Specific Uses	II	Specific Regulations
Airport	S		Agricultural industrial activities, leather tanning, wool processing, meat curing	S	
Biofuel production, 5,000 to 15,000 gal per day	P		Airport	S	
Biofuel production, greater than 15,000 gal per day	S		All other manufacturing uses not listed in IG and II zoning districts	P	
Biofuel production, less than 5,000 gal per day	P		Animal and poultry slaughter, stockyards, rendering	S	
Boat, travel trailer and motor vehicle repair, services, and storage	P		Asphalt plant, concrete batch plant	P	
Boat, travel trailer, and motor vehicle sales	P		Automobile Wrecking and Salvage Yard	C	Sec. 3-9-69 / Sec. 3-9-70
Building trades contractor's office with storage yard on-premises and heavy equipment	P		Biofuel production, 5,000 to 15,000 gal per day	P	
Commercial laundry	P		Biofuel production, greater than 15,000 gal per day	P	
Commercial vehicle rental	P		Biofuel production, less than 5,000 gal per day	P	
Composting facility	S	Sec. 3-9-70	Boat, travel trailer and motor vehicle repair, services, and storage	P	
Dairy, grain, fruit, field crop, and vegetable processing	P		Boat, travel trailer, and motor vehicle sales	P	
Distribution center, wholesaling, warehousing	P		Building trades contractor's office with storage yard on-premises and heavy equipment	P	
Dry cleaner	P		Commercial laundry	P	
Emergency services	P		Commercial vehicle rental	P	
Essential services	P	Sec. 3-9-71	Composting facility	S	Sec. 3-9-69
Farm equipment sales and service	P		Dairy, grain, fruit, field crop, and vegetable processing	P	
Flammable liquid storage	S		Distribution center, wholesaling, warehousing	P	
Gas station	P		Dry cleaner	P	
Government uses and facilities	P		Emergency services	P	
Heavy machinery, equipment rental, sales, service	P		Essential services	P	Sec. 3-9-71
Heliport, helistop	P		Explosives manufacturing	S	
Industrial marina	P		Explosives storage	S	
Laboratories, Class 1, 2, 3	C	Sec. 3-9-69	Farm equipment sales and service	P	

Industrial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	IG	Specific Regulations	Specific Uses	II	Specific Regulations
Light manufacturing and assembly in a completely enclosed building	P		Fertilizer manufacturing	S	
Light manufacturing and assembly not in a completely enclosed building	S		Flammable liquid storage	P	
Lumberyard	P		Gas station	P	
Mass transit station	P		Government uses and facilities	P	
Materials recovery facility	S	Sec. 3-9-70	Heavy machinery, equipment rental, sales, service	P	
Mini transfer station	C	Sec. 3-9-69 / Sec. 3-9-70	Heliport, helistop	P	
Minor yard trash processing facility	C	Sec. 3-9-69 / Sec. 3-9-70	Industrial marina	P	
Motor vehicle wash	P		Laboratories, Class 1, 2, 3	C	Sec. 3-9-69
Non-retail food production	P		Light manufacturing and assembly not in a completely enclosed building	P	
Outdoor storage yard	C	Sec. 3-9-69	Lumberyard	P	
Paid or public parking lot, garage, structure	P		Mass transit station	P	
Printing, lithographing, publishing, and similar establishments	P		Materials recovery facility	S	Sec. 3-9-70
Private off-site parking	C	Sec. 3-9-70	Mini transfer station	C	Sec. 3-9-69 / Sec. 3-9-70
Recovered materials processing facility	C	Sec. 3-9-70 / Sec. 3-9-71	Minor yard trash processing facility	C	Sec. 3-9-69 / Sec. 3-9-70
Research, testing facility	P		Motor vehicle wash	P	
Residential household hazardous waste collection center	C	Sec. 3-9-70 / Sec. 3-9-71	Non-retail food production	P	
Sales and storage of mobile homes	P		Outdoor storage yard	C	Sec. 3-9-69
Sawmill, machine shop	P		Paid or public parking lot, garage, structure	P	
Sexually oriented business	P	Sec. 3-9-84	Paper and pulp manufacturing	S	
Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68	Petroleum refining	S	
Telecommunications facility, greater than 50 feet in height	P	Sec. 3-9-68	Printing, lithographing, publishing and similar establishments	P	
Transfer station	S	Sec. 3-9-70	Private off-site parking	C	Sec. 3-9-69
Truck stop	P		Recovered materials processing facility	C	Sec. 3-9-69 / Sec. 3-9-70
Vocational, trade, or business school	P		Research, testing facility	P	

Industrial Zoning Districts

P = Permitted Use and Structure C = Permitted With Conditions S = Special Exception

Specific Uses	IG	Specific Regulations	Specific Uses	II	Specific Regulations
Waste tire collection center	C	Sec. 3-9-69 / Sec. 3-9-70	Residential household hazardous waste collection center	C	Sec. 3-9-69 / Sec. 3-9-70
Waste tire collection center	C	Sec. 3-9-69 / Sec. 3-9-70	Sales and storage of mobile homes	P	
			Sawmill, machine shop	P	
			Sexually oriented business	P	Sec. 3-9-84
			Soil treatment facility	S	Sec. 3-9-70
			Solid waste combustor	S	Sec. 3-9-70
			Solid waste disposal facility	S	Sec. 3-9-70
			Telecommunications facility, 50 feet or less in height	P	Sec. 3-9-68
			Telecommunications facility, greater than 50 feet in height	P	Sec. 3-9-68
			Transfer station	S	Sec. 3-9-70
			Truck stop	P	
			Used oil processing facility	S	Sec. 3-9-70
			Vocational, trade, or business school	P	
			Waste tire collection center	C	Sec. 3-9-69 / Sec. 3-9-70
			Waste tire processing facility	S	Sec. 3-9-70
			Waste tire site	S	Sec. 3-9-70

Land Development Regulations

Chapter 3-9. Zoning

Article II. District Regulations

Sec. 3-9-27. Application of district Regulations

1 **Sec. 3-9-27. Application of District Regulations**

2 (a) *Use or occupancy.* No building, structure, land, water or part thereof shall be used, occupied,
3 erected, constructed, reconstructed, located, moved or structurally altered except in conformity with
4 the regulations for the district in which it is located or as otherwise specified in this chapter.

5 (b) *Multiple use of required open space prohibited.* No part of a required yard, off-street parking or off-
6 street loading space or other open space provided in connection with a building, structure or use
7 shall be included as meeting the requirements for any other building, structure or use except where
8 specific provision therefor is made in this chapter.

9 (c) *Lot area.*

10 (1) No lot or yard existing on the effective date of the ordinance from which this section derives
11 shall be reduced in size, dimension or area below the minimum requirements of the district in
12 which it is located unless such reduction results from an acquisition for public use or is
13 permitted by an approved development plan. Lots or yards created after such effective date
14 shall meet at least the minimum requirements established herein. Notwithstanding the forgoing,
15 non-conforming lots may be reconfigured to an equal or lesser number of lots to enhance
16 buildability.

17 (2) No permit shall be issued for any lot less than 5,000 square feet in area or less than 50 feet in
18 width, unless otherwise provided for in this chapter or approved by the Board of Zoning Appeals
19 (BZA).

20 (3) Where any street, highway, alley or right-of-way is officially vacated or abandoned subsequent
21 to the enactment of the ordinance from which this chapter derives, the regulations applicable to
22 each parcel of abutting property shall apply to that portion of such street or alley added thereto
23 by virtue of such vacation or abandonment.

24 (4) Where a district boundary divides a lot (as defined in Sec. 3-9-2), the location of such boundary
25 shall be determined by use of the scale appearing on the official zoning atlas, unless the same
26 is indicated by dimensions on the official zoning atlas. The Zoning Official shall have final
27 authority to make such determination.

28 (5) Where a district boundary line divides a lot (as defined in Sec. 3-9-2) on the effective date of the
29 ordinance from which this chapter derives, the BZA may, in its discretion, permit a use
30 authorized in either portion of such lot to extend to the entire lot, upon good cause shown.

1 **Section 3-9-28. Environmentally Sensitive (ES)**

- 2 (a) *Intent.* The purpose and intent of this district is to preserve and protect land and water areas which
3 have ecological, hydrological, or physiographic importance to the public at large. It is intended to
4 preserve and protect open spaces, park lands, wilderness areas, marshlands, watersheds and water
5 recharge areas, scenic areas, beaches, and native flora and fauna. It is intended to allow limited
6 public or private recreational and educational uses and their incidental accessory uses and
7 structures.
- 8 (b) *Permitted Uses and Structures (P):*
- 9 (1) Fish and wildlife management area, nature preserve.
- 10 (2) Gamelands, public and private.
- 11 (3) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 12 (4) Outdoor educational facility.
- 13 (5) Park, public or not-for-profit.
- 14 (6) Single-family detached. Detached single-family homes may or may not have a guest suite that
15 is structurally attached with or without cooking facilities.
- 16 (7) Water conservation areas, reservoirs and control structures, drainage systems and water wells.
- 17 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
18 clearly incidental to permitted and conditional uses and structures are permitted in this district,
19 including, but not limited to:
- 20 (1) Boat lifts and boat ramps.
- 21 (2) Carports, garages, and storage structures.
- 22 a. Detached accessory structures greater than 250 square feet in area shall be compatible in
23 appearance with the primary residence, at a minimum, materials and color shall be
24 compatible with the primary residence.
- 25 b. The total footprint of all detached accessory structures shall not exceed 10% of the parcel
26 size or 1,000 square feet, whichever is greater.
- 27 c. Construction trailers and cargo containers are prohibited.
- 28 (3) Fences or walls which may be permitted prior to the principal uses and structures.
- 29 (4) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
30 not be permitted in a guest suite. It must meet all applicable development standards set forth in
31 the zoning district
- 32 (5) Keeping of pets excluding animal breeding, boarding and training.
- 33 (6) Noncommercial boat docks may be permitted prior to the principal uses and structures.
- 34 (7) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- 35 (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a
36 Conditional Use or Structure, see Sec. 3-9-69. Conditional Uses and Structures)
- 37 (1) Bed and breakfast, 1 or 2 bedrooms.
- 38 (2) Manufactured home (HUD), minimum requirement is Wind Zone 3.
- 39 (e) *Prohibited Uses and Structures:* Any use or structures not expressly or by reasonable implication
40 permitted herein or permitted by special exception shall be unlawful in this district.
- 41 (f) *Special Exceptions (S):* (For procedure see Section 3-9-6.2. Special Exceptions)

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Sec. 3-9-28. ES

- 1 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 2 (2) Bed and breakfast, 3 or more bedrooms.
- 3 (3) Campground.
- 4 (4) Emergency services.
- 5 (5) Essential services. (See Sec. 3-9-71, Essential Services)
- 6 (6) Government uses and facilities.
- 7 (7) Such other uses as determined by the Zoning Official or his/her designee to be:
 - 8 a. Appropriate by reasonable implication and intent of the district.
 - 9 b. Similar to another use either explicitly permitted in that district or allowed by Special
 - 10 Exception.
 - 11 c. Not specifically prohibited in that district.

12 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 13 provision at the time the Special Exception application is presented to it. An unfavorable determination of
 14 the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 15 Appeals.

16 (g) *Development Standards:*

Lot (min.)	ES	
	Located in the Urban Service Area	Located in the Rural Service Area
Area (acres)	10	40
Width (ft.)	250	250
Setbacks (min. ft.)		
Front	25	40
Side	10	20
Rear	20	20
Abutting water	20	20
Side & rear abutting Gulf of Mexico	50	50
Bulk (max.)		
Lot Coverage of All Buildings	10%	10%
Height (ft.)	38	38
Density (unit/acres)	1 per 10 acres	1 per 40 acres

17

18 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
 19 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the
 20 Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88,
 21 Waterfront Property.

- 22 (h) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.
- 23 (i) *Signs.* Signs should be in accordance with Sec 3-9-85.

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Sec. 3-9-29. PKR

1 **Sec. 3-9-29. Parks and Recreation (PKR)**

2 (a) *Intent*: The purpose and intent of this district is to provide land for recreational opportunities, as well
3 as to protect and preserve submerged lands in the County extending seaward from the mean high-
4 water line or bulkhead line. Canals, manmade lakes, ponds, and water impoundment areas are
5 specifically excluded from the operation of this section.

6 (b) *Permitted Uses and Structures (P)*:

7 (1) The following uses and structures shall only apply to uplands:

8 a. Boat ramps.

9 b. Cemetery, mausoleum.

10 c. Community garden.

11 d. Golf course.

12 e. Government uses and facilities.

13 f. Outdoor educational facility.

14 g. Park, public or not-for-profit.

15 h. Recreation, indoor.

16 i. Recreation, outdoor.

17 j. Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
18 Towers)

19 (2) The following uses and structures shall only apply to submerged lands:

20 a. Boat docks, boat lifts, ramps and piers.

21 b. Navigational markers and signal devices.

22 c. Seawalls, bulkheads, riprap, and similar structures.

23 d. Uses such as boating, swimming, fishing, diving, water skiing, surfboarding, wading, and
24 similar activities.

25 (c) *Permitted Accessory Uses and Structures* shall only apply to uplands: Uses and structures which are
26 customarily accessory and clearly incidental to permitted and conditional uses and structures are
27 permitted in this district, including but not limited to:

28 (1) Fences or walls may be permitted prior to the principal uses and structures.

29 (d) *Conditional Uses and Structures (C)* shall only apply to uplands: (For rules and regulations for any
30 use designated as a Conditional Use or Structure, see Sec.3-9-70. Conditional Uses and Structures)

31 (1) Livestock breeding, boarding, training, and grazing.

32 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
33 permitted herein or permitted by Special Exception shall be unlawful in this district.

34 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)

35 (1) The following uses shall only apply to uplands:

36 a. Amphitheater.

37 b. Animal sanctuary, zoo.

38 c. Auditorium, convention center, performing arts center.

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Sec. 3-9-29. PKR

- 1 d. Campground.
- 2 e. Clubhouse, community center.
- 3 f. Leisure vehicle rental.
- 4 g. Marina.
- 5 h. Motor sports track, venue.
- 6 i. Outdoor market or exhibition space.
- 7 j. Place of Worship. (see Sec. 3.7.82. Places of Worship).
- 8 k. Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68.
- 9 Communication Towers)

10 (2) The following uses shall only apply to submerged lands:

- 11 a. Boat houses.
- 12 b. Houseboats and boats used for living purposes. (see 3-9-65.1. Boats Used for Living
- 13 Purposes; Houseboats)
- 14 c. Mooring fields.

15 (3) Principal structures and uses which relate directly and immediately to permitted uses in upland

16 zoning classifications abutting a PKR district.

17 Such other uses in uplands and submerged lands as determined by the Zoning Official or his/her

18 designee to be:

- 19 a. Appropriate by reasonable implication and intent of the district.
- 20 b. Similar to another use either explicitly permitted in that district or allowed by Special
- 21 Exception.
- 22 c. Not specifically prohibited in that district.

23 All conditional uses and structures that cannot meet all conditions set forth in this Code.

24 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this

25 provision at the time the Special Exception application is presented to it. An unfavorable

26 determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6.

27 Board of Zoning Appeals.

28 All uses within this district are subject to all regulations and permitting procedures of all agencies

29 having jurisdiction over County waters.

30 (g) *Development Standards:*

	PKR
Lot (min.)	
Area (sq. ft.)	5,000
Width (ft.)	25
Setbacks (min. ft.)	
Front	10
Side	10
Rear	10
Abutting water	20
Bulk (max.)	
Lot Coverage for All	40%

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Sec. 3-9-29. PKR

Buildings (active park)	
Lot Coverage for All Buildings (passive park)	10%
Height (ft.)	38
Density (units/acre)	0

1

2 See Sec. 3-9-66. "Boat Docks; Boat Houses; Boat Lifts."

3 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte
 4 Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the
 5 Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance
 6 with Sec. 3-9-88, Waterfront Property.

7 (h) *Signs.* Signs for uplands should be in accordance with Sec. 3-9-85. All signs are prohibited except
 8 signs for navigations, warning, trespassing and caution.

9 (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

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Sec.3-9-30. AG

1 **Sec. 3-9-30. Agriculture (AG)**

2 (a) *Intent.* The purpose and intent of this district is to allow agriculture, very-low-density residential,
3 rural recreation, and other rural uses. Agriculture and agricultural activities are frequently associated with
4 noise, odors, dust, aerial chemical spraying, and other activities generally incompatible with urban-style
5 living. However, agriculture forms a vital segment of the economy of the state, and provides diversity of
6 economic opportunity and life styles for the county. Therefore, it is the purpose of this district to provide
7 areas for the establishment and/or continuation of agricultural operations with residential uses being
8 permitted only at very low densities and to accommodate those individuals who understand and desire to
9 live in an agricultural environment.

10 (b) *Permitted Uses and Structures (P):*

- 11 (1) 4H, FFA and similar uses and activities.
- 12 (2) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62. Adult Congregate
13 Living Facilities)
- 14 (3) Biofuel production, less than 5,000 gal per day.
- 15 (4) Cemetery, mausoleum.
- 16 (5) Community garden.
- 17 (6) Dairy, grain, fruit, field crop and vegetable production, cultivation, packing, and storage.
- 18 (7) Domestic animal breeding, boarding, and training.
- 19 (8) Emergency services.
- 20 (9) Fish and wildlife management area, nature preserve.
- 21 (10) Fish hatchery.
- 22 (11) Gamelands, public or private.
- 23 (12) Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture,
24 aquaculture, and commercial citriculture.
- 25 (13) Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses.
- 26 (14) Livestock breeding, boarding, training, and grazing.
- 27 (15) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 28 (16) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 29 (17) Model home. (see Sec. 3-9-78. Model Homes)
- 30 (18) Outdoor educational facility.
- 31 (19) Park, public or not-for-profit.
- 32 (20) Plant nursery.
- 33 (21) Raising of poultry.
- 34 (22) Single-family detached, which may have a guest suite that is structurally attached, with or
35 without cooking facilities.
- 36 (23) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
37 Towers)
- 38 (24) Telecommunications facility, greater than 50 feet in height. (see Sec.3-9-68. Communication
39 Towers)

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- 1 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
2 clearly incidental to permitted and conditional uses and structures are permitted in this district,
3 including, but not limited to:
- 4 (1) Agricultural accessory uses and structures may be permitted prior to the principal uses and
5 structures.
- 6 (2) Carports, garages, and storage structures associated with agricultural uses may be permitted
7 prior to the principal uses and structures.
- 8 (3) Fences or walls which may be permitted prior to the principal uses and structures.
- 9 (4) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
10 not be permitted in a detached guest suite. It must meet all applicable development standards
11 set forth in the zoning district.
- 12 (5) Keeping of pets, excluding animal breeding, boarding, and training.
- 13 (6) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
14 structures.
- 15 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a
16 Conditional Use or Structure, see Sec.3-9-69. Conditional Uses and Structures)
- 17 (1) Bed and breakfast, 1 or 2 bedrooms.
- 18 (2) Conservation subdivision.
- 19 (3) Farm labor housing.
- 20 (4) Guest home.
- 21 (5) Manufactured home (HUD), minimum requirement is Wind Zone 3.
- 22 (6) Minor yard trash processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 23 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
24 permitted herein or permitted by special exception shall be unlawful in this district.
- 25 (1) Park models and Recreational Vehicles for living purposes.
- 26 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 27 (1) Agricultural industrial activities, leather tanning, wool processing, meat curing.
- 28 (2) Airport.
- 29 (3) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 30 (4) Amphitheater.
- 31 (5) Animal hospital with indoor or outdoor facilities.
- 32 (6) Animal and poultry slaughter, stockyards, rendering.
- 33 (7) Animal sanctuary, zoo.
- 34 (8) Assisted living facility or day care center, adult, seven or more. (See Sec. 3-9-62. Adult
35 Congregate Living Facilities)
- 36 (9) Bed and breakfast, 3 or more bedrooms.
- 37 (10) Biofuel production, 5,000 to 15,000 gal per day.
- 38 (11) Biofuel production, greater than 15,000 gal per day.
- 39 (12) Campground.

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- 1 (13) Clubhouse, community center.
- 2 (14) Cluster housing. (see Sec. 3-9-67. Cluster Housing)
- 3 (15) Composting facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 4 (16) Concentrated animal feeding operation.
- 5 (17) Correctional facility.
- 6 (18) Dairy, grain, fruit, field crop, and vegetable processing.
- 7 (19) Elementary, middle or high school.
- 8 (20) Essential services. (See Sec. 3-9-71. Essential Services)
- 9 (21) Exotic animal breeding, boarding, and training.
- 10 (22) Farm equipment sales and service.
- 11 (23) Fertilizer manufacturing.
- 12 (24) Gas station.
- 13 (25) Government uses and facilities.
- 14 (26) Heliport, helistop.
- 15 (27) Livestock auction.
- 16 (28) Lumberyard.
- 17 (29) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 18 (30) Motor sports track, venue.
- 19 (31) Outdoor market space or exhibition space.
- 20 (32) Pistol, rifle, skeet, trap shooting and archery ranges.
- 21 (33) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 22 (34) Power plant.
- 23 (35) Private clubs.
- 24 (36) Private landing field.
- 25 (37) Recreation, outdoor.
- 26 (38) Sawmill, machine shop.
- 27 (39) Single-family residences used as a foster care facilities.
- 28 (40) Transfer station. (see Sec. 3-9-70. Debris and Waste Facilities)
- 29 (41) University or college.
- 30 (42) Such other uses as determined by the Zoning Official or his/her designee to be:
 - 31 a. Appropriate by reasonable implication and intent of the district.
 - 32 b. Similar to another use either explicitly permitted in that district or allowed by Special
 - 33 Exception.
 - 34 c. Not specifically prohibited in that district.

35 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
36 provision at the time the Special Exception application is presented to it. An unfavorable

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1 determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6.
 2 Board of Zoning Appeals.

3 (g) *Development Standards:*

AG	
Lot (min.)	
Area (acres)	10
Width (ft.)	250
Setbacks (min. ft.)	
Front	40
Side	20
Rear	20
Abutting water	20
Bulk (max.)	
Lot Coverage of All Buildings	10%
Lot Coverage of Structures Related to Process of Hydroculture or Similar Uses Excluding Warehouses	80%
Height (ft.)	38
Density (units/acres)	1 per 10 acres

5
 6 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte
 7 Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the
 8 Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance
 9 with Sec. 3-9-88. Waterfront Property.

10 (h) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

11 (i) *Signs.* Signs shall be in accordance with Sec. 3-9-85.

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Sec. 3-9-31. EM

1 **Sec. 3-9-31. Excavation and Mining (EM)**

2 (a) *Intent.* The purpose and intent of this district is to allow agriculture, very-low density residential, rural
3 recreation, other rural uses, and commercial excavation activities and associated uses.

4 (b) *Permitted Uses and Structures (P):*

- 5 (1) 4H, FFA and similar uses and activities.
- 6 (2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
7 Living Facilities)
- 8 (3) Biofuel production, less than 5,000 gal per day.
- 9 (4) Cemetery, mausoleum.
- 10 (5) Commercial excavation.
- 11 (6) Community garden.
- 12 (7) Dairy, grain, fruit, field crop, and vegetable production, cultivation, packing, and storage.
- 13 (8) Domestic animal breeding, boarding and training.
- 14 (9) Emergency services.
- 15 (10) Fish and wildlife management area, nature preserve.
- 16 (11) Fish hatchery.
- 17 (12) Gamelands, public or private.
- 18 (13) Harvesting, cultivation, processing, and sale of crops grown on premises, including silviculture,
19 aquaculture, and commercial citriculture.
- 20 (14) Horse stable, barn, workshop, and other structures and uses incidental to agricultural uses.
- 21 (15) Livestock breeding, boarding, training, and grazing.
- 22 (16) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 23 (17) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 24 (18) Model home. (see Sec. 3-9-78. Model Homes)
- 25 (19) Outdoor educational facility.
- 26 (20) Park, public or not-for-profit.
- 27 (21) Plant nursery.
- 28 (22) Raising of poultry.
- 29 (23) Single-family detached, which may have a guest suite that is structurally attached, with or
30 without cooking facilities.
- 31 (24) Stockpiling of fill.
- 32 (25) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
33 Towers)
- 34 (26) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
35 Towers)

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- 1 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
2 clearly incidental and subordinate to permitted and conditional uses and structures are permitted in
3 this district, including, but not limited to:
- 4 (1) Agricultural accessory uses and structures may be permitted prior to the principal uses and
5 structures.
- 6 (2) Asphalt plant or concrete batch plant, associated with a commercial excavation.
- 7 (3) Carports, garages, and storage structures associated with agricultural uses may be permitted
8 prior to the principal uses and structures.
- 9 (4) Fences or walls which may be permitted prior to the principal uses and structures.
- 10 (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
11 not be permitted in a detached guest suite. It must meet all applicable development standards
12 set forth in the zoning district.
- 13 (6) Keeping of pets, excluding animal breeding, boarding, and training.
- 14 (7) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
15 structures.
- 16 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a
17 Conditional Use or Structure, see Sec.3-9-69. Conditional Uses and Structures)
- 18 (1) Bed and breakfast, 1 or 2 bedrooms.
- 19 (2) Conservation subdivision.
- 20 (3) Farm labor housing.
- 21 (4) Guest home.
- 22 (5) Manufactured home (HUD), minimum requirement is Wind Zone 3.
- 23 (6) Minor yard trash processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 24 (e) *Prohibited Uses and Structures*: Any use or structure not specifically, or by reasonable implication,
25 permitted herein shall be unlawful in this district.
- 26 (1) Park models and Recreational Vehicles for living purposes.
- 27 (f) *Special Exceptions (S)*: (For procedure see Section 3-9-6.2. Special Exceptions)
- 28 (1) Agricultural industrial activities, leather tanning, wool processing, meat curing.
- 29 (2) Airport.
- 30 (3) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 31 (4) Amphitheater.
- 32 (5) Animal hospital and boarding facility with indoor or outdoor facilities.
- 33 (6) Animal and poultry slaughter, stockyards, rendering.
- 34 (7) Animal sanctuary, zoo.
- 35 (8) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
36 Congregate Living Facilities)
- 37 (9) Bed and breakfast, 3 or more bedrooms.
- 38 (10) Biofuel production, 5,000 to 15,000 gal per day.
- 39 (11) Biofuel production, greater than 15,000 gal per day.

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- 1 (12) Campground.
- 2 (13) Clubhouse, community center.
- 3 (14) Cluster housing. (see Sec. 3-9-67. Cluster Housing)
- 4 (15) Composting facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 5 (16) Concentrated animal feeding operation.
- 6 (17) Correctional facility.
- 7 (18) Dairy, grain, fruit, field crop, and vegetable processing.
- 8 (19) Elementary, middle, or high school.
- 9 (20) Essential services. (See Sec. 3-9-71. Essential Services)
- 10 (21) Exotic animal breeding, boarding, and training.
- 11 (22) Farm equipment sales and service.
- 12 (23) Fertilizer manufacturing.
- 13 (24) Gas station.
- 14 (25) Government uses and facilities.
- 15 (26) Heliport, helistop.
- 16 (27) Livestock auction.
- 17 (28) Lumberyard.
- 18 (29) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 19 (30) Motor sports track, venue.
- 20 (31) Outdoor market space or exhibition space.
- 21 (32) Pistol, rifle, skeet, trap shooting and archery ranges.
- 22 (33) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 23 (34) Power plant.
- 24 (35) Private clubs.
- 25 (36) Private landing field.
- 26 (37) Recreation, outdoor.
- 27 (38) Sawmill, machine shop.
- 28 (39) Single-family residences used as a foster care facilities.
- 29 (40) Solid waste combustor. (see Sec. 3-9-70. Debris and Waste Facilities)
- 30 (41) Solid waste disposal facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 31 (42) Transfer station. (see Sec. 3-9-71. Debris and Waste Facilities)
- 32 (43) University or college.
- 33 (44) Such other uses as determined by the Zoning Official or his/her designee to be:
 - 34 a. Appropriate by reasonable implication and intent of the district.

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Sec. 3-9-31. EM

- 1 b. Similar to another use either explicitly permitted in that district or allowed by Special
 2 Exception.
 3 c. Not specifically prohibited in that district.

4 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 5 provision at the time the Special Exception application is presented to it. An unfavorable determination
 6 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 7 Appeals.

8 (g) *Development Standards:*

	EM
Site (min.)	
Area (acres)	50
Width (ft.)	250
Setbacks (min. ft.)	
Front	100
Side	100
Rear	100
Bulk (max.)	
Lot Coverage of All Buildings	10%
Lot Coverage of Structures Related to Process of Hydroculture or Similar Uses Excluding Warehouses	80%
Height (ft.)	60
Density (units/acres)	1 per 10 acres

9
 10 The Excavation and Mining (EM) zoning district may not be established anywhere on barrier islands, or
 11 within one statute mile of the waters of the Gulf of Mexico, any intercoastal waterways, or the waters of
 12 Charlotte Harbor and the Peace River located west of the I-75 Interstate Highway bridge over the
 13 Peace River. The EM zoning district is intended to be applied only to those properties accommodating
 14 excavations that meet Group III criteria contained in the Charlotte County Excavation and Earthmoving
 15 Code.

- 16 (h) *Signs.* Signage shall be in accordance with Sec. 3-9-85, as well as Chapter 3-5, Article XXIII.
 17 (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

1 **Sec. 3-9-32. Residential Estate (RE)**

2 (a) *Intent.* The purpose and intent of this district is to allow low-density, large-lot residential and related
3 uses.

4 (b) *Permitted Uses and Structures (P):* The following uses and structures are permitted in this district:

5 (1) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62, Adult Congregate
6 Living Facilities)

7 (2) Community garden.

8 (3) Emergency services.

9 (4) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.

10 (5) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)

11 (6) Model home. (see Sec. 3-9-78. Model Homes)

12 (7) Noncommercial boat docks.

13 (8) Park, public or not-for-profit.

14 (9) Single-family detached, which may have a guest suite that is structurally attached, with or
15 without cooking facilities.

16 (10) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
17 Towers)

18 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
19 clearly incidental to permitted and conditional uses and structures are permitted in this district,
20 including, but not limited to:

21 (1) Boat lifts, boat ramps, and noncommercial boat docks.

22 (2) Carports, garages, and storage structures.

23 a. Detached accessory structures greater than 250 square feet in area shall be compatible in
24 appearance with the primary residence, at a minimum, materials and color shall be
25 compatible with the primary residence.

26 b. The total footprint of all detached accessory structures shall not exceed 10% of the parcel
27 size or 1,000 square feet, whichever is greater.

28 c. Detached accessory structures in RE-1 shall be located behind the leading edge of the
29 living area of the residence except carports and garages, but must maintain required
30 setbacks.

31 d. Construction trailers and cargo containers are prohibited.

32 (3) Fences or walls which may be permitted prior to the principal uses and structures.

33 (4) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.

34 (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
35 not be permitted in a guest suite. It must meet all applicable development standards set forth in
36 the zoning district.

37 (6) Keeping of pets, excluding animal breeding, boarding, and training.

38 (7) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.

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Sec.3-9-32. RE

- 1 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a
2 Conditional Use or Structure, see Sec.3-9-69. Conditional Uses and Structures)
- 3 (1) 4H, FFA, and similar uses and activities.
- 4 (2) Bed and breakfast, 1 or 2 bedrooms.
- 5 (3) Clubhouse.
- 6 (4) Cluster housing. (see Sec. 3-9-67. Cluster Housing)
- 7 (5) Domestic animal breeding, boarding, and training.
- 8 (6) Guest home.
- 9 (7) Horse stable.
- 10 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
11 permitted herein or permitted by Special Exception shall be unlawful in this district, including
12 manufactured homes.
- 13 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 14 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 15 (2) Animal sanctuary, zoo.
- 16 (3) Assisted living facility or day care center, adult, seven or more. (See Sec. 3-9-62, Adult
17 Congregate Living Facilities)
- 18 (4) Bed and breakfast, 3 or more bedrooms.
- 19 (5) Cemetery, mausoleum.
- 20 (6) Day care center, child.
- 21 (7) Elementary, middle, or high school.
- 22 (8) Essential services. (See Sec. 3-9-71, Essential Services)
- 23 (9) Fish and wildlife management area, nature preserve.
- 24 (10) Government uses and facilities.
- 25 (11) Livestock breeding, boarding, training, and grazing.
- 26 (12) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 27 (13) Place of Worship. (see Sec. 3.7.82. Places of Worship)
- 28 (14) Plant nursery.
- 29 (15) Private clubs.
- 30 (16) Private landing field.
- 31 (17) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
32 Towers)
- 33 (18) University or college.
- 34 (19) Yacht clubs, country clubs, and other recreational amenities, including but not limited to tennis
35 courts, basketball courts, and golf courses located on a separate parcel.
- 36 (20) Such other uses as determined by the Zoning Official or his/her designee to be:

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- 1 a. Appropriate by reasonable implication and intent of the district.
- 2 b. Similar to another use either explicitly permitted in that district or allowed by special
- 3 exception.
- 4 c. Not specifically prohibited in that district.

5 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 6 provision at the time the special exception application is presented to it. An unfavorable determination of
 7 the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 8 Appeals.

9 (g) *Development Standards:*

	RE-1	RE-5
Lot (min.)		
Area (acres)	1	5
Width (ft.)	125	250
Setbacks (min. ft.)		
Front	40	40
Side	20	20
Rear	15	15
Rear (accessory buildings)	10	10
Abutting water	20	20
Bulk (max.)		
Lot coverage of all buildings	20%	20%
Height (ft.)	38	38
Density (units/acres)	1 per acre	1 per 5 acres

10

11 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
 12 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the
 13 Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88,
 14 Waterfront Property.

- 15 (h) *Signs.* Signs shall be in accordance with Sec. 3-9-85.
- 16 (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

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Sec. 3-9-33. RSF

1 **Sec. 3-9-33. Residential Single-family (RSF)**

2 (a) *Intent.* The purpose and intent of these districts is to provide for single-family residential dwellings and
3 other uses normally associated therewith. Among RSF-2, RSF-3.5 and RSF-5 districts, there are
4 variations in requirements for lot area, width, and certain yards.

5 (b) *Permitted Uses and Structures (P):*

6 (1) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62. Adult Congregate
7 Living Facilities)

8 (2) Emergency services.

9 (3) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.

10 (4) Minor Home Occupation. (see Sec. 3-9-75. Home Occupations)

11 (5) Model home. (see Sec. 3-9-79. Model Homes)

12 (6) Noncommercial boat docks.

13 (7) Park, public or not-for-profit.

14 (8) Single-family detached, which may have a guest suite that is structurally attached, with or
15 without cooking facilities.

16 (9) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-69. Communication
17 Towers)

18 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
19 clearly incidental to permitted and conditional uses and structures are permitted in this district.

20 (1) Boat lifts, boat ramps, and noncommercial boat docks.

21 (2) Carports, garages, and storage structures.

22 a. Detached accessory structures greater than 250 square feet in footprint shall be compatible
23 in appearance with the primary residence, at a minimum, materials and color shall be
24 compatible with the primary residence.

25 b. The total footprint of all detached accessory structures shall not exceed 10% of the parcel
26 size or 1,000 square feet, whichever is greater for a property less than a half acre. If the
27 property is one half acre or more in size, the total footprint of all detached accessory
28 structures shall not exceed 3,000 square feet. The property owner(s) may apply for a
29 Special Exception to exceed the total maximum accessory structures size limitations
30 contained in this Section.

31 c. Detached accessory structures shall be located behind the leading edge of the living area
32 of the residence except carports and garages, but must maintain required setbacks.

33 d. Construction trailers and cargo containers are prohibited.

34 (3) Fences or walls which may be permitted prior to the principal uses and structures.

35 (4) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.

36 (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
37 not be permitted in a detached guest suite. It must meet all applicable development standards
38 set forth in the zoning district.

39 (6) Keeping of pets, excluding animal breeding, boarding, and training.

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- 1 (7) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
2 structures.
- 3 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as Conditional
4 Use or Structure, see Sec.3-9-69. Conditional Uses and Structures)
- 5 (1) Bed and breakfast, 1 or 2 bedrooms.
6 (2) Clubhouse.
7 (3) Cluster housing. (see Sec. 3-9-67 Cluster Housing)
8 (4) Guest home.
9 (5) Subdivided lots with 50 foot wide frontage and 5,000 square foot.
- 10 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
11 permitted herein or permitted by Special Exception, including but not limited to mobile homes,
12 commercial parking lots and private clubs not otherwise permitted, or permitted by Special
13 Exception, shall be unlawful in this district.
- 14 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 15 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
16 (2) Assisted living facility or day care center, adult, seven or more. (See Sec. 3-9-62. Adult
17 Congregate Living Facilities)
18 (3) Bed and breakfast, 3 or more bedrooms.
19 (4) Cemetery, mausoleum.
20 (5) Community garden.
21 (6) Day care center, child.
22 (7) Elementary, middle, or high school.
23 (8) Essential services. (See Sec. 3-9-71. Essential Services)
24 (9) Government uses and facilities.
25 (10) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
26 (11) Place of Worship. (see Sec. 3-9-82. Places of Worship)
27 (12) Private clubs.
28 (13) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
29 Towers)
30 (14) University or college.
31 (15) Yacht clubs, country clubs, and other recreational amenities, including but not limited to tennis
32 courts, basketball courts, and golf courses located on a separate parcel.
33 (16) Such other uses as determined by the Zoning Official or his/her designee to be:
34 a. Appropriate by reasonable implication and intent of the district.
35 b. Similar to another use either explicitly permitted in that district or allowed by Special
36 Exception.
37 c. Not specifically prohibited in that district.

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1 The BZA shall review a favorable determination of the Zoning Official under this provision at the time
 2 the Special Exception application is presented to it. An unfavorable determination of the Zoning
 3 Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning Appeals.

4 (g) *Development Standards:*

	RSF-2	RSF-3.5	RSF-5
Lot (min.)			
Area (sq. ft.)	20,000	10,000	7,500
Width (ft.)	100	80	70
Setbacks (min. ft)			
Front	25	25	25
Side (interior)	15	7.5	7.5
Side (street)	20	15	15
Rear (interior)	20	20	20
Rear(interior) for All accessory structures	10	10	10
Rear (street)	25	25	25
Abutting greenbelt	15	15	15
All accessory structures abutting greenbelt	10	10	10
Abutting water	20	20	20
Bulk (max.)			
Lot coverage of All Buildings	40%	40%	40%
Height (ft.)	38	38	38
Density (units/acre)	2	3.5	5

6
 7 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte
 8 Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the
 9 Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance
 10 with Sec. 3-9-88, Waterfront Property.

11 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 12 Article XXII, Chapter 3-5, of the Code, as the same shall be amended.

13 (h) *Signs.* Signs shall be in accordance with Sec. 3-9-85

14 (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

1 **Sec. 3-9-34. Residential Multi-family (RMF)**

2 (a) *Intent.* The purpose and intent of this district is to offer low- or high-density residential with emphasis
3 on multifamily use.

4 (b) *Permitted Uses and Structures (P):*

5 (1) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62. Adult Congregate
6 Living Facilities)

7 (2) Duplex or triplex.

8 (3) Emergency services

9 (4) Cluster housing. (see Sec. 3-9-67. Cluster Housing)

10 (5) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.

11 (6) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)

12 (7) Model home. (see Sec. 3-9-78. Model Homes)

13 (8) Multifamily.

14 (9) Noncommercial boat docks.

15 (10) Park, public or not-for-profit.

16 (11) Single-family detached or attached, which may have a guest suite that is structurally attached,
17 with or without cooking facilities.

18 (12) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
19 Towers)

20 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
21 clearly incidental to permitted and conditional uses and structures are permitted in this district,
22 including but not limited to:

23 (1) Boat lifts, boat ramps, and noncommercial boat docks.

24 (2) Carports, garages, and storage structures.

25 a. Detached accessory structures greater than 250 square feet in footprint shall be compatible
26 in appearance with the primary residence, at a minimum, materials and color shall be
27 compatible with the primary residence.

28 b. Detached accessory structures shall be located behind the leading edge of the living area
29 of the residence except carports and garages, but must maintain required setbacks.

30 c. Construction trailers and cargo containers are prohibited.

31 d. For single-family development, additionally, the following requirements shall apply:

32 i. The total footprint of all detached accessory structures shall not exceed 10% of the
33 parcel size or 1,000 square feet, whichever is greater for a property less than a half
34 acre. If the property is one half acre or more in size, the total footprint of all detached
35 accessory structures shall not exceed 3,000 square feet. The property owner(s) may
36 apply for a Special Exception to exceed the total maximum accessory structures size
37 limitations contained in this Section.

38 ii. Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities
39 shall not be permitted in a detached guest suite. It must meet all applicable
40 development standards set forth in the zoning district.

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- 1 (3) Clubhouse, community center on the same parcel as the residential development or within the
2 same residential development.
- 3 (4) Fences or walls which may be permitted prior to the principal uses and structures.
- 4 (5) Keeping of pets, excluding animal breeding, boarding, and training.
- 5 (6) Swimming pools, tennis courts, or other similar noncommercial recreational uses and structures.
- 6 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a
7 Conditional Use, see Sec.3-9-69. Conditional Uses and Structures)
- 8 (1) Assisted living facility or day care center, adult, seven or more. (See Sec. 3-9-62. Adult
9 Congregate Living Facilities)
- 10 (2) Bed and breakfast, 1 or 2 bedrooms.
- 11 (3) Boarding, rooming house.
- 12 (4) Clubhouse.
- 13 (5) Nursing home.
- 14 (6) Transitional / halfway housing.
- 15 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
16 permitted herein or permitted by Special Exception shall be unlawful in this district, including mobile
17 homes and private clubs not otherwise permitted, or permitted by Special Exception.
- 18 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 19 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.(2)
20 Bed and breakfast, 3 or more bedrooms.
- 21 (3) Elementary, middle, or high school.
- 22 (4) Essential services. (see Sec. 3-9-71. Essential Services)
- 23 (5) Government uses and facilities.
- 24 (6) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 25 (7) Place of Worship. (see Sec. 3-7-82. Places of Worship)
- 26 (8) Private clubs.
- 27 (9) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
28 Towers)
- 29 (10) University or college.
- 30 (11) Yacht clubs, country clubs, and other recreational amenities.
- 31 (12) Such other uses as determined by the Zoning Official or his/her designee to be:
- 32 a. Appropriate by reasonable implication and intent of the district.
- 33 b. Similar to another use either explicitly permitted in that district or allowed by Special
34 Exception.
- 35 c. Not specifically prohibited in that district.
- 36 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
37 provision at the time the Special Exception application is presented to it. An unfavorable
38 determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6.
39 Board of Zoning Appeals.

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Sec. 3-9-34. RMF

1 (g) *Development Standards:*

	RMF- 3.5	RMF- 5	RMF- 10	RMF- 12	RMF- 15
Lot (min.)					
Area (sq. ft.)	7,500	7,500	7,500	5,000	5,000
Width (ft.)	80	80	80	50	50
Setbacks (min. ft)					
Front	25	25	25	25	25
Side (interior)	See below*	See below*	See below*	See below*	See below*
Side (street)	15	15	15	15	15
Rear (interior)	See below*	See below*	See below*	See below*	See below*
Rear (street)	15	15	15	15	15
Abutting water	20	20	20	20	20
Bulk (max.)					
Lot Coverage of All Buildings	40%	40%	40%	40%	40%
Height (ft.)	60	60	60	60	60
Density (units/acre)	3.5	5	10	12	15

2

3 *Half the building height but not less than 15 feet.

4 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 5 Article XXII, Chapter 3-5, of the Code, as the same shall be amended.

6 If the RMF district abuts a single-family district, no structure other than screening required pursuant to
 7 Article XXII, Chapter 3-5, of the Code, as the same may be amended, shall be erected closer to the
 8 abutting single-family zoned property than 25 feet or the building height, whichever is greater.

9 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte
 10 Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the
 11 Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance
 12 with Sec. 3-9-88, Waterfront Property.

13 (h) *Signs.* Signs shall be in accordance with Sec. 3-9-85.

14 (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

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Sec. 3-9-35. RMF-T

1 **Sec. 3-9-35. Residential Multi-Family Tourist (RMF-T)**

2 (a) *Intent.* The purpose and intent of this district is to permit multifamily dwellings and tourist-related
3 commercial facilities.

4 (b) *Permitted Uses (P) and Structures:*

5 (1) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62. Adult Congregate
6 Living Facilities)

7 (2) Bed and breakfast, 1 or 2 bedrooms.

8 (3) Bed and breakfast, 3 or more bedrooms.

9 (4) Duplex or triplex.

10 (5) Emergency services.

11 (6) Hotel, motel, inn.

12 (7) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.(8)Minor
13 Home Occupation. (see Sec. 3-9-74. Home Occupations)

14 (9) Multifamily.

15 (10) Park, public or not-for-profit.

16 (11) Personal services.

17 (12) Single-family attached or detached, which may have a guest suite that is structurally attached,
18 with or without cooking facilities.

19 (13) Specialty shops.

20 (14) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
21 Towers)

22 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
23 clearly incidental to permitted and conditional uses and structures are also permitted in this district,
24 including but not limited to:

25 (1) Boat lifts.

26 (2) Fences or walls which may be permitted prior to the principal uses and structures.

27 (3) Carports, garages, and storage structures.

28 a. Detached accessory structures greater than 250 square feet in footprint shall be compatible
29 in appearance with the primary residence, at a minimum, materials and color shall be
30 compatible with the primary residence.

31 c. Detached accessory structures shall be located behind the leading edge of the living area
32 of the residence except carports and garages, but must maintain required setbacks.

33 d. Construction trailers and cargo containers are prohibited.

34 For single-family development, additionally, the following requirements shall apply:

35 a. The total footprint of all detached accessory structures shall not exceed 10% of the parcel
36 size or 1,000 square feet, whichever is greater for a property less than a half acre. If the
37 property is one half acre or more in size, the total footprint of all detached accessory
38 structures shall not exceed 3,000 square feet. The property owner(s) may apply for a
39 Special Exception to exceed the total maximum accessory structures size limitations
40 contained in this Section.

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- 1 (4) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
2 not be permitted in a detached guest suite. It must meet all applicable development standards
3 set forth in the zoning district.
- 4 (5) Keeping of pets, excluding animal breeding, boarding, and training.
- 5 (6) Noncommercial boat docks and boat ramps for residential uses.
- 6 (7) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
7 structures.
- 8 (d) *Conditional Use and Structures (C)*: (For rules and regulations for any use designated as a
9 Conditional Use, see Sec.3-9-69. Conditional Uses and Structures)
- 10 (1) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
11 Congregate Living Facilities)
- 12 (2) Boarding, rooming house.
- 13 (3) Clubhouse.
- 14 (4) Marina.
- 15 (5) Nursing home.
- 16 (e) *Prohibited Uses and Structures*. Any use or structure not expressly or by reasonable implication
17 permitted herein or permitted by special exception shall be unlawful in this district.
- 18 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 19 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 20 (2) Bar, cocktail lounge, nightclub, tavern.
- 21 (3) Campground.
- 22 (4) Clubhouse.
- 23 (5) Essential services. (see Sec. 3-9-71. Essential Services)
- 24 (6) General retail sales and services.
- 25 (7) Government uses and facilities.
- 26 (8) Leisure vehicle rental.
- 27 (9) Liquor, package store.
- 28 (10) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 29 (11) Paid or public parking lot, garage, structure.
- 30 (12) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 31 (13) Private clubs.
- 32 (14) Recreation, indoor.
- 33 (15) Recreational Vehicle use.
- 34 (16) Restaurant.
- 35 (17) Yacht clubs, country clubs, and other recreational amenities.
- 36 (18) Such other uses as determined by the Zoning Official or his/her designee to be:
37 a. Appropriate by reasonable implication and intent of the district.

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1 b. Similar to another use either explicitly permitted in that district or allowed by Special
 2 Exception.

3 c. Not specifically prohibited in that district.

4 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 5 provision at the time the Special Exception application is presented to it. An unfavorable determination
 6 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 7 Appeals.

8 (g) *Development Standards:*

	RMF-T
Lot (min.)	
Area (square ft.)	7,500
Width (ft.)	80
Setbacks (min. ft.)	
Front	25
Side	
Interior	7.5 or half the building height, whichever is greater
Abutting a road	15
Abutting water	20
Rear	
Abutting a lot	15
Abutting a road	25
Abutting water	20
Bulk (max.)	
Lot Coverage of All Buildings	40%
Height (ft.)	38
Density (units/acre)	6

9

10 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 11 Article XXII, Chapter 3-5, of the Code, as the same shall be amended.

12 If the RMF-T district abuts a single-family district, no structure other than screening required pursuant to
 13 Article XXII, Chapter 3-5, of the Code, shall be erected closer to the abutting single-family zoned
 14 property than 25 feet or the building height, whichever is greater.

15 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
 16 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
 17 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88,
 18 Waterfront Property.

19 (h) *Signs.* Signs shall be in accordance with Sec.3-9-85.

20 (i) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

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Sec. 3-9-36. MHP

1 **Sec. 3-9-36. Manufactured Home Park (MHP)**

2 (a) *Intent.* The purpose and intent of this district is to allow parks consisting of manufactured homes
3 occupied as single-family detached dwelling units. The park may be platted or non-platted. Site plan
4 approval is required for all new mobile home parks and the expansion or modification of existing
5 parks.

6 (b) *Permitted Uses and Structures (P):*

7 (1) Manufactured home (HUD), minimum requirement is Wind Zone 3.

8 (2) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)

9 (3) Park offices and maintenance facilities.

10 (4) Park, public or not-for-profit.

11 (5) Park recreational facilities.

12 (6) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
13 Towers)

14 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and
15 clearly incidental to permitted and conditional uses and structures; are located on the same lot or
16 parcel as the mobile home park; are not likely to attract visitors in large numbers; and involve
17 operations or structures consistent with the character of a mobile home park, including but not limited
18 to the following:

19 (1) Accessory structures designed to meet Florida Building Code may be placed adjacent (not
20 attached) to primary structures. These accessory structures shall be structurally independent,
21 self-supporting and free standing. These structures must also meet the fire code. Construction
22 trailers and cargo containers are prohibited.

23 (2) Additions to manufactured homes (HUD), adjacent to and attached to manufactured homes.

24 (3) Enclosed storage structures and garage facilities with use limited to park management and its
25 residents.

26 (4) Keeping of pets, excluding animal breeding, boarding and training.

27 (5) Laundry facilities and sales of groceries and sundries, subject to the following:

28 a. Such establishments and parking areas related primarily to their operations shall not
29 occupy more than two percent of the area of the park.

30 b. Such establishments shall be used primarily by occupants of the park.

31 c. The commercial nature of such establishments shall not be visible from any street outside
32 the park so as to attract customers other than occupants of the park.

33 d. Such establishments shall not be located closer than 100 feet from any public street and
34 shall be accessible only from a street within the park.

35 (6) Open storage areas. This area may be used for open storage of items including but not limited
36 to mobile homes, recreational vehicles, boats, and recreational equipment, the use of which is
37 limited to park residents. No such areas shall exceed five percent of the total park area.

38 (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a
39 Conditional Uses or Structure, see Sec. 3-9-69. Conditional Uses and Structures)

40 (1) Clubhouse.

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- 1 (2) Recreational Vehicle use.
- 2 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
 3 permitted herein or permitted by special exception shall be unlawful in this district.
- 4 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 5 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 6 (2) Assisted living facility or day care center, adult, six or less. (See Sec. 3-9-62. Adult Congregate
 7 Living Facilities)
- 8 (3) Assisted living facility or day care center, adult, seven or more. (See Sec. 3-9-62. Adult
 9 Congregate Living Facilities)
- 10 (4) Community garden.
- 11 (5) Emergency services.
- 12 (6) Essential services. (See Sec. 3-9-71. Essential Services)
- 13 (7) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 14 (8) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 15 (9) Place of Worship. (see Sec. 3-7-82. Places of Worship)
- 16 (10) Private clubs.
- 17 (11) Such other uses as determined by the Zoning Official or his/her designee to be:
- 18 a. Appropriate by reasonable implication and intent of the district.
- 19 b. Similar to another use either explicitly permitted in that district or allowed by Special
 20 Exception.
- 21 c. Not specifically prohibited in that district.

22 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 23 provision at the time the Special Exception application is presented to it. An unfavorable determination
 24 of the Zoning Official or his designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 25 Appeals.

26 (g) *Development Standards*:

	MHP	
	Not Platted	Platted
Park (min.)		
Area (acres)	20	20
Width (ft.)	250	250
Site (min.)		
Area/Lot (sq. ft.)	5,000	5,000
Width (ft.)	50	50
Setbacks (min. ft.)		
Park boundary	25	N/A
Front	10	10
Side	N/A	5
Rear	N/A	10
Another structure	10	N/A
Abutting water	20	20
Bulk (max.)		
Park coverage	60%	N/A

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. District Regulations

Sec. 3-9-36. MHP

Lot Coverage of All Buildings	N/A	50%
Height (ft.)	38	38
Density (units/acre)	5	5

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- (1) Street Improvements. Streets within the proposed manufactured home park may be public if platted and accepted by the County. Any necessary developer-funded improvements to the existing right-of-way will not receive any impact fee credits.
- (2) Recreational Areas. A minimum of five percent of the gross land area within park boundaries shall be used as a park and/or recreation area. No more than ten percent of the stormwater lake may be used for the required recreation area otherwise determined by State or Federal agencies.
- (3) Water and Sewer. Each lot shall be serviced by a central water and sewer system. The location of any water or sewer plants within the boundaries of the mobile home park shall be designed, located, landscaped and buffered so as not to be visible from adjacent properties.
- (4) Emergency Shelters. Emergency shelters shall be required to be built to meet the standards set forth in the Florida Building Code.
- (5) Fire Protection. All parks shall have an appropriate fire protection plan and appropriate base facilities for fighting fire as approved by Charlotte County Fire/EMS.

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88. Waterfront Property.

- (h) *Signs*. Signs shall be in accordance with Sec. 3-9-85. Sign Code.
- (i) *Off-Street Parking*. Off-street parking shall be in accordance with Sec. 3-9-79.
- (j) Landscaping and buffering shall be in accordance with Chapter 3-5. Article XVIII. Landscaping and Buffers.
- (k) Tree removal/ preservation shall be in accordance with Chapter 3-2. Article IX. Tree Requirements.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-37. MHC

1 **Sec. 3-9-37. Manufactured Home Conventional (MHC)**

- 2 (a) *Intent.* The purpose and intent of this district is to allow manufactured homes and single-family
3 detached dwelling units and related uses on individual platted lots.
- 4 (b) *Permitted Uses and Structures (P):*
- 5 (1) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
6 Living Facilities)
- 7 (2) Emergency services.
- 8 (3) Manufactured home (HUD), minimum requirement is Wind Zone 3.
- 9 (4) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 10 (5) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 11 (6) Model home. (see Sec. 3-9-78. Model Homes)
- 12 (7) Noncommercial boat docks.
- 13 (8) Park, public or not-for-profit.
- 14 (9) Single-family detached, which may have a guest suite that is structurally attached, with or
15 without cooking facilities.
- 16 (10) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
17 Towers)
- 18 (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory
19 and clearly incidental to permitted and conditional uses and structures are permitted in this district,
20 including, but not limited to:
- 21 (1) Boat lifts, boat ramps, and noncommercial boat docks.
- 22 (2) Carports, garages, and storage structures.
- 23 a. Detached accessory structures greater than 250 square feet in footprint shall be compatible
24 in appearance with the primary residence, at a minimum, materials and color shall be
25 compatible with the primary residence.
- 26 b. The total footprint of all detached accessory structures shall not exceed 10% of the parcel
27 size or 1,000 square feet, whichever is greater for a property less than a half acre. If the
28 property is one half acre or more in size, the total footprint of all detached accessory
29 structures shall not exceed 3,000 square feet. The property owner(s) may apply for a
30 Special Exception to exceed the total maximum accessory structures size limitations
31 contained in this Section.
- 32 c. Detached accessory structures shall be located behind the leading edge of the living area
33 of the residence except carports and garages, but must maintain required setbacks.
- 34 d. Construction trailers and cargo containers are prohibited.
- 35 (3) Fences or walls which may be permitted prior to the principal uses and structures.
- 36 (4) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.
- 37 (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall
38 not be permitted in a detached guest suite. It must meet all applicable development standards
39 set forth in the zoning district.
- 40 (6) Keeping of pets, excluding animal breeding, boarding, and training.

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-37. MHC

- 1 (7) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
 2 structures.
- 3 (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a
 4 Conditional Use or Structure, see Sec. 3-9-69. Conditional Uses and Structures)
- 5 (1) Bed and breakfast, 1 or 2 bedrooms.
 6 (2) Clubhouse.
 7 (3) Guest home.
 8 (4) Subdivided lots with 50 foot wide frontage and 5,000 square foot lot.
- 9 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
 10 permitted herein or permitted by Special Exception shall be unlawful in this district, including but not
 11 limited to:
- 12 (1) ANSI park models and park models.
 13 (2) Travel trailers and motor homes used for residential purposes.
- 14 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 15 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 16 (2) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
 17 Congregate Living Facilities)
 18 (3) Bed and breakfast, 3 or more bedrooms.
 19 (5) Community garden.
 20 (6) Day care center, child.
 21 (7) Elementary, middle, or high school.
 22 (8) Essential services. (See Sec. 3-9-71. Essential Services)
 23 (9) Government uses and facilities.
 24 (10) Major Home Occupation. (see Se. 3-9-74. Home Occupations)
 25 (11) Place of Worship. (see Sec. 3-9-82. Places of Worship)
 26 (12) Private clubs.
 27 (13) Such other uses as determined by the Zoning Official or his/her designee to be:
- 28 a. Appropriate by reasonable implication and intent of the district.
 29 b. Similar to another use either explicitly permitted in that district or allowed by special
 30 exception.
 31 c. Not specifically prohibited in that district.
- 32 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 33 provision at the time the Special Exception application is presented to it. An unfavorable determination
 34 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 35 Appeals.
- 36 (g) *Development Standards*:

	MHC
Lot (min.)	
Area (sq. ft.)	7,500
Width (ft.)	60

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-37. MHC

Setbacks (min. ft.)	
Front	25
Side (interior)	7.5
Side (street)	15
Rear (interior)	15
Rear(interior) for All accessory structures	10
Rear (street)	25
Abutting water	20
Bulk (max.)	
Lot Coverage of All Buildings	40%
Height (ft.)	38
Density (units/acre)	5

1

2 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 3 Article XXII, Chapter 3-5, of the Code, as the same may be amended.

4 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
 5 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
 6 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88.
 7 Waterfront Property.

8 (h) *Signs*. Signs shall be in accordance with Sec. 3-9-85.

9 (i) *Off-street parking*. Off-street parking shall be in accordance with Sec. 3-9-79.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-38. RVP

1 **Sec. 3-9-38. Recreational Vehicle Park (RVP)**

2 (a) *Intent.* The purpose and intent of this district is to allow transient living in recreational vehicles and
3 campgrounds. It is the further intent of this Code that the individual living sites may be subdivided for
4 individual ownership and the park must be retained in a form of common or single ownership.

5 (b) *Permitted Uses (P) and Structures:*

6 (1) Management offices and maintenance facilities.

7 (2) Manager's residence (a manufactured home may be allowed for manager's residence only).

8 (3) Park recreational facilities.

9 (4) Recreational Vehicles, travel trailers, motor homes, camping tents and trailers occupied as
10 temporary dwelling units.

11 (5) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
12 Towers)

13 (c) *Permitted Accessory Uses and Structures.* Accessory uses and structures permitted if they:

14 (1) Are customarily accessory to permitted uses and structures.

15 (2) Involve operations of a recreational vehicle park, including the following:

16 a. Laundry facilities, sale of groceries and sundries, sale of LP (liquefied petroleum) gas, all of
17 which are subject to the following:

18 1. Such establishments and the associated parking areas related primarily to their
19 operations shall not occupy more than two percent of the area of the park.

20 2. The commercial nature of such establishment shall not be visible from any street
21 outside the park so as to attract customers other than the occupants of the park.

22 3. Such establishment shall not be located closer than 100 feet to any public street and
23 shall be accessible only from a street within the park.

24 b. Enclosed storage structures and garage facilities located on a designated common area
25 with the use to be limited to the park management and the residents.

26 c. Detached and freestanding screen rooms and casitas provided that such structures are
27 totally independent from the recreational vehicle and shall be constructed and located in
28 such a manner as not to impede the immediate removal of any Recreational Vehicle from
29 its designated site.

30 d. Storage structures not exceeding 50 square feet may be allowed provided that they are
31 detached and located as an improvement on all Recreational Vehicle lots. The location and
32 size of the storage structures shall be uniform and the same on all lots.

33 e. Concrete slabs, decks, and patios provided such structures are detached and structurally
34 independent from the accompanying Recreational Vehicles and in no way impede the
35 immediate removal of Recreational Vehicles from the site.

36 f. Open storage areas for recreational equipment and vehicles, the use of which is limited to
37 the park residents, provided that the area is designated on the approved development plan
38 for the Recreational Vehicle park and that no such area shall exceed five percent of the
39 total park area.

40 (3) Keeping of pets, excluding animal breeding, boarding, and training.

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-38. RVP

- 1 (d) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
 2 permitted herein or permitted by special exception, including but not limited to:
- 3 (1) Any Recreational Vehicle and park model in excess of 400 square feet in area.
 4 (2) Screen rooms and/or cabanas attached to Recreational Vehicles, including any form of rigid
 5 awnings which are not designed for transportation down the highway.
 6 (3) Year-round occupation of a Recreational Vehicle.
- 7 (e) *Special Exceptions*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 8 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 9 (2) Emergency services.
 10 (3) Essential services. (See Sec. 3-9-71. Essential Services)
 11 (4) Such other uses as determined by the Zoning Official or his/her designee to be:
 12 a. Appropriate by reasonable implication and intent of the district.
 13 b. Similar to another use either explicitly permitted in that district or allowed by Special
 14 Exception.
 15 c. Not specifically prohibited in that district.

16 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 17 provision at the time the Special Exception application is presented to it. An unfavorable determination
 18 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 19 Appeals.

20 (f) *Development Standards*:

	RVP	
	Not Platted	Platted
Park (min.)		
Area (acres)	15	15
Width (ft.)	250	N/A
Site (min.)		
Area (sq. ft.)	3,000	5,000
Width (ft.)	40	40
Yards (min. ft.)		
Park boundary	25	25
Abutting water	20	20
Front	N/A	10
Side	N/A	5
Rear	N/A	5
Bulk (max.)		
Park coverage	60%	N/A
Lot Coverage	N/A	40%
Height (ft.)	38	38
Density (units/acre)	8	8

- 21
- 22 a. No structure other than screening required pursuant to Article XXII, Chapter 3-5, of the
 23 Code, shall be located closer than 35 feet to any park boundary abutting a public road nor
 24 closer than 25 feet to an exterior park boundary.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-38. RVP

1 b. No structure or Recreational Vehicle shall be located closer than five feet to the side and
2 rear property line and ten feet to the pavement line of any internal street excluding
3 driveways and patio slabs which are not in excess of six inches above the existing finished
4 grade of the Recreational Vehicle site.

5 (1) *Occupancy Time Limit.* The occupancy of any individual living site by any individual or group of
6 individuals shall be strictly limited to 180 days and no individual or group of individuals may re-
7 establish occupancy of any individual living site until at least 30 days following their departure.
8 The County reserves the right to inspect occupancy records of the park to ensure enforcement
9 of this condition.

10 (2) *Site Access:* Parks shall not have access through local, residential roadways unless a traffic
11 study submitted to and approved by the County determines that the use of the roads by the
12 proposed park does not create a traffic safety hazard. Any necessary developer-funded
13 improvements to the existing rights-of-way will not receive any impact fee credits.

14 (3) *Street Improvements:* Streets within the Recreational Vehicle park may be public if platted and
15 accepted by the County. Any necessary developer-funded improvements to the existing right-
16 of-way will not receive any impact fee credit.

17 (4) *Recreational Areas and Open Space Areas:* A minimum of 15 percent of the land area within
18 park boundaries shall be developed as recreation and open space areas, which may include
19 but not be limited to passive recreational trails, central community clubhouse facilities, pools,
20 and tennis courts. If any portion of a lake or waterway contained within the boundaries of a
21 Recreational Vehicle park is proposed to be used for a portion of the recreational area, only
22 that portion which supports active recreation shall be counted. No more than ten percent of the
23 stormwater lake may be used for the required recreation area otherwise determined by State or
24 Federal agencies.

25 (5) *Water and Sewer.* Each site shall be serviced by a central water and sewer system. The
26 location of any water or sewer plants within the boundaries of the Recreational Vehicle park
27 shall be designed, located, landscaped and buffered so as not to be visible from adjacent
28 properties. If recreational vehicle sites are to be provided to Recreational Vehicles that have no
29 bath or toilet facilities, then those sites shall be located not more than 200 feet from approved
30 shower and toilet facilities.

31 (6) *Fire Protection:* All Recreational Vehicle parks shall have an appropriate fire protection plan
32 and appropriate base facilities for fighting fire as approved by Charlotte County Fire/EMS.

33 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
34 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
35 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88.
36 Waterfront Property.

37 (g) *Signs.* Signs shall be in accordance with Sec. 3-9-85.

38 (h) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-39. OMI

1 **Sec. 3-9-39. Office Medical Institutional (OMI)**

2 (a) *Intent.* The purpose and intent of this district is to allow professional and business offices, as well as
3 institutional and cultural activities. Although this district may allow both residential and non-residential
4 uses, it is not a mixed-use district, and it is the further intent of this district that individual lots be
5 developed with a single use.

6 (b) *Permitted Uses (P) and Structures:*

- 7 (1) Art, dance, music, photo studio or gallery.
- 8 (2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
9 Living Facilities)
- 10 (3) Bank, financial services.
- 11 (4) Business services.
- 12 (5) Day care center, child.
- 13 (6) Drug store, pharmacy.
- 14 (7) Elementary, middle, or high school.
- 15 (8) Emergency services.
- 16 (9) General offices.
- 17 (10) Government uses and facilities.
- 18 (11) Homeless shelter.
- 19 (12) Hospital.
- 20 (13) Medical or dental office, clinic.
- 21 (14) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 22 (15) Model home. (see Sec. 3-9-78. Model Homes)
- 23 (16) Nursing home.
- 24 (17) Pain management clinic. (see Sec. 3-9-80. Pain Management Clinics)
- 25 (18) Park, public or not-for-profit.
- 26 (19) Personal services.
- 27 (20) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 28 (21) Professional services.
- 29 (22) Sanitariums.
- 30 (23) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
31 Towers)
- 32 (24) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
33 Towers)
- 34 (25) University or college.
- 35 (26) Vocational, trade, or business school.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-39. OMI

- 1 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
2 clearly incidental to permitted and conditional uses and structures are also permitted in this district,
3 including but not limited to:
- 4 (1) Fences or walls may be permitted prior to the principal uses and structures.
- 5 For residential development:
- 6 (1) Boat lifts and boat ramps.
- 7 (2) Carports, garages, and storage structures.
- 8 a. Detached accessory structures greater than 250 square feet in area shall be compatible in
9 appearance with the primary residence, at a minimum, materials and color shall be
10 compatible with the primary residence.
- 11 c. Detached accessory structures shall be located behind the leading edge of the living area
12 of the residence except carports and garages, but must maintain required setbacks.
- 13 d. Construction trailers and cargo containers are prohibited.
- 14 For single-family development, additionally, the following requirements shall apply:
- 15 a. The total footprint of all detached accessory structures shall not exceed 10% of the parcel
16 size or 1,000 square feet, whichever is greater for a property less than a half acre. If the
17 property is one half acre or more in size, the total footprint of all detached accessory
18 structures shall not exceed 3,000 square feet. The property owner(s) may apply for a
19 Special Exception to exceed the total maximum accessory structures size limitations
20 contained in this Section.
- 21 (3) Keeping of pets, excluding animal breeding, boarding, and training.
- 22 (4) Noncommercial boat docks.
- 23 (5) Swimming pools, tennis courts, or other similar noncommercial recreational uses and
24 structures.
- 25 (d) *Conditional Use (C)*: (For rules and regulations for any use designated as a Conditional Use or
26 Structure, see Sec. 3-9-69. Conditional Uses and Structures)
- 27 (1) Animal hospital, boarding facility.
- 28 (2) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
29 Congregate Living Facilities)
- 30 (3) Detox center and substance abuse center.
- 31 (4) Duplex or triplex.
- 32 (5) Laboratories, class 1, 2, 3.
- 33 (7) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- 34 (8) Multifamily.
- 35 (10) Private off-site parking.
- 36 (11) Single-family attached or detached, which may have a guest suite that is structurally attached,
37 with or without cooking facilities.
- 38 (14) Transitional / halfway housing.
- 39 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
40 permitted herein or permitted by Special Exception shall be unlawful in this district.
- 41 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-39. OMI

- 1 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 2 (2) Essential services. (see Sec. 3-9-71. Essential Services)
- 3 (3) Heliport, helistop.
- 4 (4) Major Home Occupation. (see Sec. 3-9-74. Home Occupation)
- 5 (5) Paid or public parking lot, garage, structure.
- 6 (6) Such other uses as determined by the Zoning Official or his/her designee to be:
- 7 a. Appropriate by reasonable implication and intent of the district.
- 8 b. Similar to another use either explicitly permitted in that district or allowed by Special
- 9 Exception.
- 10 c. Not specifically prohibited in that district.

11 The Board of Zoning Appeals (BZA) shall review a favorable determination of the Zoning Official
 12 under this provision at the time the Special Exception application is presented to it. An unfavorable
 13 determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6.
 14 Board of Zoning Appeals. It is expressly intended by these regulations that any use permitted as a
 15 principal use or by Special Exception in another zoning district or districts which is not specially listed
 16 in this section is excluded by its omission and cannot be a special exception considered or approved
 17 by the BZA as one permitted by reasonable implication and intent of the district.

18 (g) *Development Standards:*

	OMI
Lot (min.)	
Area (sq. ft.)	7,500
Width (ft.)	80
Setbacks (min. ft.)	
Front	10
Side (interior) for Multi-family or Non-residential Development	Half the building height, but not less than 7.5
Side (interior) for Single-family Development	7.5
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (max.)	
Lot Coverage of All Buildings	40%
Height (ft., non-residential uses, residential uses with special exception)	60
Height (ft., residential uses)	38
Density (units/acre)	10

19

20 If an OMI district abuts a residential district, no structure other than screening required pursuant to
 21 Article XXII, Chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned
 22 property than 25 feet or the building height, whichever is greater.

23 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 24 Article XXII, Chapter 3-5, of the Code, as the same may be amended.

Land Development Regulations
Chapter 3-9. Zoning
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Sec. 3-9-39. OMI

- 1 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte
- 2 Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the
- 3 Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance
- 4 with Sec. 3-9-88, Waterfront Property.
- 5 (h) *Signs*. Signs shall be in accordance with Sec. 3-9-85.
- 6 (i) *Off-street parking*. Off-street parking shall be in accordance with Sec. 3-9-79.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-40.CN

1 **Sec. 3-9-40. Commercial Neighborhood (CN)**

2 (a) *Intent.* The purpose and intent of this district is to allow small-scale commercial uses within or
3 adjacent to residential neighborhoods in order to encourage pedestrian activity and reduce the
4 number and length of automobile trips, as well as provide increased convenience to all users.

5 (b) *Permitted Uses (P) and Structures:*

6 (1) Art, dance, music, photo studio or gallery.

7 (2) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
8 Living Facilities)

9 (3) Bank, financial services.

10 (4) Business services.

11 (5) Day care center, child.

12 (6) Drug store, pharmacy.

13 (7) Dry cleaner.

14 (8) Emergency services.

15 (9) General offices.

16 (10) General retail sales and services. (see Sec. 3-9-61. Accessory Outdoor Retail Sales, Display,
17 and Storage)

18 (11) Laundromat.

19 (12) Liquor, package store.

20 (13) Medical or dental office, clinic.

21 (14) Park, public or not-for-profit.

22 (15) Personal services.

23 (16) Place of Worship. (see Sec. 3-9-82. Places of Worship)

24 (17) Post office.

25 (18) Professional services.

26 (19) Restaurant.

27 (20) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
28 Towers)

29 (c) *Permitted Accessory Uses and Structures.* Uses and structures which are customarily accessory and
30 clearly incidental to permitted and conditional uses and structures are also permitted in this district,
31 including but not limited to:

32 (1) Fences or walls which may be permitted prior to prior to the principal uses and structures.

33 (d) *Conditional Use (C) and structures:* (For rules and regulations for any use designated as a
34 Conditional Use, see Sec.3-9-69. Conditional Uses and Structures)

35 (1) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
36 Congregate Living Facilities)

37 (2) Animal hospital and boarding facility.

Land Development Regulations
 Chapter 3-9. Zoning
 Article II. Districts Regulations

Sec. 3-9-40.CN

- 1 (e) *Prohibited Uses and Structures.* Any use or structure not expressly or by reasonable implication
 2 permitted herein or by Special Exception, including the outside storage or display of merchandise,
 3 shall be unlawful in this district.
- 4 (f) *Special Exceptions (S):* (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 5 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 6 (2) Bar, cocktail lounge, nightclub, tavern.
 7 (3) Essential services. (see Sec. 3-9-71. Essential Services)
 8 (4) Gas station.
 9 (5) Government uses and facilities.
 10 (6) Outdoor market or exhibition space.
 11 (7) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
 12 Towers)
 13 (8) Such other uses as determined by the Zoning Official or his/her designee to be:
 14 a. Appropriate by reasonable implication and intent of the district.
 15 b. Similar to another use either explicitly permitted in that district or allowed by Special
 16 Exception.
 17 c. Not specifically prohibited in that district.

18 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 19 provision at the time the Special Exception application is presented to it. An unfavorable determination
 20 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 21 Appeals.

22 (g) *Development Standards:*

23

CN	
Lot (min.)	
Area (sq. ft.)	20,000
Width (ft.)	100
Setbacks (min. ft.)	
Front	0
Side (interior)	7.5
Side (street)	15
Rear (interior)	15
Rear (street)	15
Abutting water	20
Bulk (max.)	
Lot Coverage of All Buildings	40%
Height (ft.)	38
Density (units/acre)	0

24

25 Site plan approval pursuant to Sec. 3-9-7 is required prior to all development in this district. Landscape
 26 buffers and screening shall be required in this district in accordance with the provisions of Article XXII,
 27 Chapter 3-5, of the Code, as the same may be amended. If the CN district abuts a residential district,
 28 no structure other than screening required pursuant to Article XXII, Chapter 3-5, of the Code, shall be

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Sec. 3-9-40.CN

1 erected closer to the abutting residentially zoned property than 25 feet or the building height, whichever
2 is greater.

3 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
4 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
5 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88.
6 Waterfront Property.

7 (g) *Off-street parking.* Off-street parking shall be in accordance with Sec. 3-9-79.

8 (h) *Lighting.* Maximum height of lighting fixtures shall be 15 feet, arranged so that no direct source of light
9 is visible from any residentially zoned property.

10 (i) *Utility Areas.* Utility areas, including trash receptacles, shall be completely screened from the view of
11 customers and adjacent property owners and shall be located in the rear yard in case of interior lots
12 and in the side yard in case of corner lots.

13 (j) *Signs.* Signs shall be in accordance with Sec. 3-9-85.

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Chapter 3-9. Zoning
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Sec.3-9-41. CT

1 **Sec. 3-9-41. Commercial Tourist (CT)**

- 2 (a) *Intent.* The purpose and intent of this district is to allow tourist-related facilities near or adjacent to
3 tourist attractions such as Gulf beach frontage, theme parks, major public or private parks, and other
4 recreational or scenic resources.
- 5 (b) *Permitted Uses (P) and Structures:*
- 6 (1) Animal hospital, boarding facility.
- 7 (2) Art, dance, music, photo studio or gallery.
- 8 (3) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
9 Living Facilities)
- 10 (4) Auditorium, convention center, performing arts center.
- 11 (5) Bank, financial services.
- 12 (6) Bar, cocktail lounge, nightclub, tavern.
- 13 (7) Bed and breakfast, 1 or 2 bedrooms.
- 14 (8) Bed and breakfast, 3 or more bedrooms.
- 15 (9) Business services.
- 16 (10) Clubhouse, community center.
- 17 (11) Drug store, pharmacy.
- 18 (12) Emergency services.
- 19 (13) Essential services. (see Sec. 3-9-71. Essential Services)
- 20 (14) Gas station.
- 21 (15) General offices.
- 22 (16) General retail sales and services. (see Sec. 3-9-61. Accessory Outdoor Retail Sales, Display,
23 and Storage)
- 24 (17) Golf course.
- 25 (18) Government uses and facilities.
- 26 (19) Hotel, motel, inn.
- 27 (20) Laundromat.
- 28 (21) Liquor, package store.
- 29 (22) Marina.
- 30 (23) Minor Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 31 (24) Paid or public parking lot, garage, structure.
- 32 (25) Park, public or not-for-profit.
- 33 (26) Personal services.
- 34 (27) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 35 (28) Private clubs.
- 36 (29) Professional services.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec.3-9-41. CT

- 1 (30) Recreation, indoor.
- 2 (31) Restaurant.
- 3 (32) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication Towers)
- 4 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
5 clearly incidental to permitted and conditional uses and structures are also permitted in this district,
6 including a residential dwelling unit within the same structure as the principal use for occupancy by
7 owners or employees of permitted uses, and also including, but not limited to:
- 8 (1) Fences or walls which may be permitted prior to the principal uses and structures.
- 9 (2) For residential development:
- 10 a. Boat lifts, boat ramps, and noncommercial boat docks.
- 11 b. Carports, garages, and storage structures.
- 12 i. Detached accessory structures greater than 250 square feet in area shall be
13 compatible in appearance with the primary residence, at a minimum, materials and
14 color shall be compatible with the primary residence.
- 15 ii. Detached accessory structures shall be located behind the leading edge of the living
16 area of the residence except carports and garages, but must maintain required
17 setbacks.
- 18 iii. Construction trailers and cargo containers are prohibited.
- 19 c. For single-family development, additionally, the following requirements shall apply:
- 20 i. The total area of all detached accessory structures shall not exceed 10% of the parcel
21 size or 1,000 square feet, whichever is greater.
- 22 ii. Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities
23 shall not be permitted in a detached guest suite. It must meet all applicable
24 development standards set forth in the zoning district.
- 25 d. Clubhouse, community center on the same parcel as the residential development or within
26 the same residential development.
- 27 e. Keeping of pets, excluding animal breeding, boarding, and training.
- 28 f. Swimming pools, tennis courts, or other similar noncommercial recreational uses and
29 structures.
- 30 (d) *Conditional Use (C)*: (For rules and regulations for any use designated as a Conditional Use, see
31 Sec.3-9-69. Conditional Uses and Structures)
- 32 (1) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
33 Congregate Living Facilities)
- 34 (2) Duplex or triplex.
- 35 (3) Multifamily.
- 36 (4) Private off-site parking.
- 37 (5) Single-family attached or detached, which may have a guest suite that is structurally attached,
38 with or without cooking facilities.
- 39 (e) *Prohibited Uses and Structures*: Any use or structure not expressly or by reasonable implication
40 permitted herein or permitted by special exception shall be unlawful in this district.
- 41 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)

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Sec.3-9-41. CT

- 1 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 2 (2) Amphitheater.
- 3 (3) Leisure vehicle rental.
- 4 (4) Major Home Occupation. (see Sec. 3-9-74. Home Occupations)
- 5 (5) Model home. (see Sec. 3-9-78. Model Homes)
- 6 (6) Noncommercial vehicle rental.
- 7 (7) Recreation, outdoor.
- 8 (8) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
- 9 Towers)
- 10 (9) Such other uses as determined by the Zoning Official or his/her designee to be:
- 11 a. Appropriate by reasonable implication and intent of the district.
- 12 b. Similar to another use either explicitly permitted in that district or allowed by special
- 13 exception.
- 14 c. Not specifically prohibited in that district.

15 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 16 provision at the time the special exception application is presented to it. An unfavorable
 17 determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6.
 18 Board of Zoning Appeals.

19 (g) *Development Standards:*

20 For multifamily principal uses, development standards are the same as in RMF-15 districts, except
 21 on bridgeless barrier islands, which must be in accordance with Sec. 3-9-66. Bridgeless Barrier
 22 Islands.

23 Accessory buildings, same as principal building.

	CT
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Yards (min. ft.)	
Front	15
Side (interior)	0
Side (street)	20
Rear (interior)	10
Rear (street)	25
Abutting water	20
Bulk (max.)	
Lot Coverage	40%
Height (ft.)	38
Density (units/acre)	0

24

25 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 26 Article XXII, Chapter 3-5, of the Code, as the same may be amended.

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Sec.3-9-41. CT

- 1 If the CT district abuts a residential district, no structure other than screening required pursuant to Article
- 2 XXII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than 25
- 3 feet or the building height, whichever is greater.

- 4 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the
- 5 Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the
- 6 Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88,
- 7 Waterfront Property.

- 8 (g) *Signs*. Signs shall be in accordance with Sec. 3-9-85.
- 9 (h) *Off-street parking* Off-street parking shall be in accordance with Sec. 3-9-79.

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-42. CG

1 **Sec. 3-9-42. Commercial General (CG)**

2 (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.

3 (b) *Permitted Uses (P) and Structures:*

- 4 (1) Animal hospital, boarding facility.
- 5 (2) Art, dance, music, photo studio or gallery.
- 6 (3) Assisted living facility or day care center, adult, six or less. (see Sec. 3-9-62. Adult Congregate
7 Living Facilities)
- 8 (4) Auditorium, convention center, performing arts center.
- 9 (5) Bank, financial services.
- 10 (6) Bar, cocktail lounge, nightclub, tavern.
- 11 (7) Business services.
- 12 (8) Clubhouse, community center.
- 13 (9) Day care center, child.
- 14 (10) Drug store, pharmacy.
- 15 (11) Dry cleaner.
- 16 (12) Elementary, middle, or high school.
- 17 (13) Emergency services.
- 18 (14) Essential services. (see Sec. 3-9-71. Essential Services)
- 19 (15) Funeral homes, crematoria.
- 20 (16) Gas station.
- 21 (17) General offices.
- 22 (18) General retail sales and services. (see Sec. 3-9-61. Accessory Outdoor Retail Sales, Display,
23 and Storage)
- 24 (19) Government uses and facilities.
- 25 (20) Homeless shelter.
- 26 (21) Hospital.
- 27 (22) Hotel, motel, inn.
- 28 (23) Laundromat.
- 29 (24) Liquor, package store.
- 30 (25) Mass transit station.
- 31 (26) Medical or dental office, clinic.
- 32 (27) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
- 33 (28) Model home. (see Sec. 3-9-78. Model Homes)
- 34 (29) Motor vehicle wash.
- 35 (30) Nursing home.

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Sec. 3-9-42. CG

- 1 (31) Paid or public parking lot, garage, structure.
- 2 (32) Park, public or not-for-profit.
- 3 (33) Personal services.
- 4 (34) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 5 (35) Post office.
- 6 (36) Printing facilities.
- 7 (37) Private club.
- 8 (38) Professional services.
- 9 (39) Recreation, indoor.
- 10 (40) Recreation, outdoor.
- 11 (41) Restaurant.
- 12 (42) Sexually oriented business. (see Sec. 3-9-84. Sexually Oriented Businesses)
- 13 (43) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
- 14 Towers)
- 15 (44) University or college.
- 16 (45) Vocational, trade, or business school.
- 17 (46) Wholesale sales.
- 18 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
- 19 clearly incidental to permitted and conditional uses and structures are also permitted in this district,
- 20 including a residential dwelling unit within the same structure as the principal use for occupancy by
- 21 owners or employees of permitted uses, and also including, but not limited to:
 - 22 (1) Fences or walls which may be permitted prior to the principal uses and structures.
- 23 (d) *Conditional Uses (C)*: (For rules and regulations for any use designated as a Conditional Use, see
- 24 Sec.3-9-69. Conditional Uses and Structures)
 - 25 (1) Assisted living facility or day care center, adult, seven or more. (see Sec. 3-9-62. Adult
 - 26 Congregate Living Facilities)
 - 27 (2) Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers.
 - 28 (3) Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and
 - 29 campers.
 - 30 (4) Building trades contractor's office.
 - 31 (3) Farm equipment sales and service.
 - 32 (4) Laboratories, Class 1, 2, 3.
 - 33 (5) Marina.
 - 34 (6) Noncommercial vehicle rental.
 - 35 (7) Private off-site parking.
- 36 (e) *Prohibited Uses and Structures*: Any use or structure not expressly, or by reasonable implication
- 37 permitted herein or permitted by Special Exception shall be unlawful in this district.
- 38 (f) *Special Exceptions (S)*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
 - 39 (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.

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 Chapter 3-9. Zoning
 Article II. District Regulations

Sec. 3-9-42. CG

- 1 (2) Amphitheater.
- 2 (3) Animal sanctuary, zoo.
- 3 (4) Biofuel production, less than 5,000 gal per day.
- 4 (5) Building trades contractor's office with storage yard on-premises, or with more than ten service
- 5 vehicles and with heavy equipment.
- 6 (6) Commercial laundry.
- 7 (7) Commercial vehicle rental.
- 8 (8) Heavy machinery, equipment rental, sales, service.
- 9 (9) Heliport, helistop.
- 10 (10) Industrial marina.
- 11 (11) Leisure vehicle rental.
- 12 (12) Light manufacturing and assembly in a completely enclosed building.
- 13 (13) Lumberyard.
- 14 (14) Outdoor market or exhibition space.
- 15 (15) Railroad sidings.
- 16 (16) Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers.
- 17 (17) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
- 18 Towers)
- 19 (18) Truck stop.
- 20 (19) Such other uses as determined by the Zoning Official or his/her designee to be:
- 21 a. Appropriate by reasonable implication and intent of the district.
- 22 b. Similar to another use either explicitly permitted in that district or allowed by Special
- 23 Exception.
- 24 c. Not specifically prohibited in that district.

25 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 26 provision at the time the special exception application is presented to it. An unfavorable determination
 27 of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6. Board of Zoning
 28 Appeals.

29 (g) *Development Standards:*

	CG
Lot (min.)	
Area (sq. ft.)	12,000
Width (ft.)	100
Setbacks (min. ft.)	
Front	15
Side (interior)	0
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (max.)	

Land Development Regulations
Chapter 3-9. Zoning
Article II. District Regulations

Sec. 3-9-42. CG

1	Lot Coverage of All Buildings	55%
	Height (ft.)	60
	Density (units/acre)	0

2

3 Landscape buffers and screening shall be required in this district in accordance with the provisions of
4 Article XXII, Chapter 3-5, of the Code, as the same may be amended.

5 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
6 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
7 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88.
8 Waterfront Property.

9 (h) *Signs*. Signs shall be in accordance with Sec. 3-9-85.

10 (i) *Off-street parking*. Off-street parking shall be in accordance with Sec. 3-9-79.

Land Development Regulations
Chapter 3-9. Zoning
Article II. Districts Regulations

Sec. 3-9-43. IG

1 **Sec. 3-9-43. Industrial General (IG)**

- 2 (a) *Intent.* The purpose and intent of this district is to allow various light industrial and higher-intensity
3 commercial uses. All industrial processes shall take place within completely enclosed buildings
4 unless approved by a Special Exception. Storage of materials and finished products may be
5 permitted within an enclosed yard with appropriate screens and buffering.
- 6 (b) *Permitted Uses (P) and Structures:*
- 7 (1) Biofuel production, less than 5,000 gal per day.
- 8 (2) Biofuel production, 5,000 to 15,000 gal per day.
- 9 (3) Boat, travel trailer, and motor vehicle sales, including recreational vehicles and campers.
- 10 (4) Boat, travel trailer and motor vehicle repair, services, and storage, including recreational
11 vehicles and campers.
- 12 (5) Building trades contractor's office with storage yard on-premises and heavy equipment.
- 13 (6) Commercial laundry.
- 14 (7) Commercial vehicle rental.
- 15 (8) Dairy, grain, fruit, field crop, and vegetable processing.
- 16 (9) Distribution center, wholesaling, warehousing.
- 17 (10) Dry cleaner.
- 18 (11) Emergency services.
- 19 (12) Essential services. (see Sec. 3-9-71. Essential Services)
- 20 (13) Farm equipment sales and service.
- 21 (14) Gas station.
- 22 (15) Government uses and facilities.
- 23 (16) Heavy machinery, equipment rental, sales, service.
- 24 (17) Heliport, helistop.
- 25 (18) Industrial marina.
- 26 (19) Light manufacturing and assembly in a completely enclosed building.
- 27 (20) Lumberyard.
- 28 (21) Mass transit station.
- 29 (22) Motor vehicle wash.
- 30 (23) Non-retail food production.
- 31 (24) Paid or public parking lot, garage, structure.
- 32 (25) Printing, lithographing, publishing, and similar establishments.
- 33 (26) Research, testing facility.
- 34 (27) Sales and storage of mobile homes.
- 35 (28) Sawmill, machine shop.
- 36 (29) Sexually oriented business. (see Sec. 3-9-84. Sexually Oriented Businesses)

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Sec. 3-9-43. IG

- 1 (30) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
2 Towers)
- 3 (31) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
4 Towers)
- 5 (32) Truck stop.
- 6 (33) Vocational, trade, or business school.
- 7 (c) *Permitted Accessory Uses and Structures:* Uses, including retail sales, and structures which are
8 customarily accessory and clearly incidental and subordinate to permitted and conditional uses and
9 structures are also permitted in this district; however, no residential facilities shall be permitted in the
10 district except for watchmen or caretakers whose work requires residence on the premises.
- 11 (d) *Conditional Use (C) and Structures:* (For rules and regulations for any use designated as a
12 Conditional Use, see Sec.3-9-69. Conditional Uses and Structures)
- 13 (1) Laboratories, Class 1, 2, 3.
- 14 (2) Mini transfer station. (see Sec. 3-9-70. Debris and Waste Facilities)
- 15 (3) Minor yard trash processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 16 (4) Outdoor storage yard.
- 17 (5) Private off-site parking.
- 18 (6) Recovered materials processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 19 (7) Residential household hazardous waste collection center. (see Sec. 3-9-70. Debris and Waste
20 Facilities)
- 21 (8) Waste tire collection center. (see Sec.3-9-70. Debris and Waste Facilities)
- 22 (e) *Prohibited Uses and Structures:* Any use or structure not specifically or by reasonable implication
23 permitted herein, or permitted by Special Exception, shall be unlawful in this district, including the
24 following:
- 25 (1) Animal slaughterhouses.
- 26 (2) Any use not conforming to industrial performance standards.
- 27 (3) Chemical and fertilizer manufacturing.
- 28 (4) Explosives manufacturing.
- 29 (5) Hospitals and clinics, except clinics in connection with industrial activity.
- 30 (6) Paper and pulp manufacturing.
- 31 (7) Petroleum refining.
- 32 (8) Place of Worship. (see Sec. 3-7-82. Places of Worship)
- 33 (9) Residential dwellings, except as permitted under accessory uses.
- 34 (10) Stockyards and feeding pens.
- 35 (11) Tanneries with curing or storage of raw hides.
- 36 (12) Wrecking yards, including automotive vehicle wrecking yards and junkyards.
- 37 (f) *Special Exceptions (S):* (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 38 (1) Airport.
- 39 (2) All conditional uses and structures that cannot meet all conditions set forth in this Code.

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Sec. 3-9-43. IG

- 1 (3) Biofuel production, greater than 15,000 gal per day.
- 2 (4) Composting facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 3 (5) Flammable liquid storage.
- 4 (6) Light manufacturing and assembly not in a completely enclosed building.
- 5 (7) Materials recovery facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 6 (8) Transfer station. (see Sec. 3-9-70. Debris and Waste Facilities)
- 7 (9) Such other uses as determined by the Zoning Official or his/her designee to be:
 - 8 a. Appropriate by reasonable implication and intent of the district.
 - 9 b. Similar to another use either explicitly permitted in that district or allowed by special
 - 10 exception.
 - 11 c. Not specifically prohibited in that district.

12 The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this
 13 provision at the time the special exception application is presented to it. An unfavorable determination
 14 of the Zoning Official or his/her designee shall be appealable pursuant to Sec.3-9-6. Board of Zoning
 15 Appeals.

16 (g) *Development Standards:*

Lot (min.)	IG	
		Adjacent to non-industrial uses
Area (sq. ft.)	12,000	12,000
Width (ft.)	100	100
Setbacks (min. ft.)		
Front	10	25
Side (interior)	0	10
Side (street)	10	15
Rear (interior)	10	15
Rear (street)	10	20
Abutting water	20	20
Bulk (max.)		
Lot Coverage of All Buildings	50%	50%
Height (ft.)	60	60
Density (units/acre)	0	0

17 All uses shall conform to the industrial performance standards as set forth in Sec. 3-9-75.

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Sec. 3-9-43. IG

1 Landscape buffers and screening shall be required in this district in accordance with the provisions of
2 Article XXII, Chapter 3-5, of the Code, as the same may be amended.

3 If the IG district abuts a residential district, no structure other than screening required pursuant to Article
4 XXII, Chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than
5 25 feet or the building height, whichever is greater.

6 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
7 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
8 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88.
9 Waterfront Property.

10 (g) *Signs*. Signs shall be in accordance with Sec. 3-9-85.

11 (h) *Off-street parking*. Off-street parking shall be in accordance with section 3-9-79.

1 **Sec. 3-9-44. Industrial Intensive (II)**

2 (a) *Intent.* The purpose and intent of this district is to allow various heavy industrial uses including those
3 that produce noise, odors, noxious or toxic by-products, increased hazards of fire or explosion, or are
4 generally incompatible with lower intensity land uses. Industrial processes are not required to take
5 place within enclosed buildings. Work areas, and the storage of materials and finished products may
6 be permitted within an enclosed yard with appropriate screens and buffering.

7 (b) *Permitted Uses (P) and Structures:*

- 8 (1) All other manufacturing uses not listed below.
9 (2) Asphalt plant, concrete batch plant.
10 (3) Biofuel production, less than 5,000 gal per day.
11 (4) Biofuel production, 5,000 to 15,000 gal per day.
12 (5) Biofuel production, greater than 15,000 gal per day.
13 (6) Boat, travel trailer, and motor vehicle sales, including recreational vehicles and campers.
14 (7) Boat, travel trailer and motor vehicle repair, services, and storage, including recreational
15 vehicles and campers.
16 (8) Building trades contractor's office with storage yard on-premises and heave equipment.
17 (9) Commercial laundry.
18 (10) Commercial vehicle rental.
19 (11) Dairy, grain, fruit, field crop, and vegetable processing.
20 (12) Distribution center, wholesaling, warehousing.
21 (13) Dry cleaner.
22 (14) Emergency services.
23 (15) Essential services. (see Sec. 3-9-71. Essential Services)
24 (16) Farm equipment sales and service.
25 (17) Flammable liquid storage.
26 (18) Gas station.
27 (19) Government uses and facilities.
28 (20) Heavy machinery, equipment rental, sales, service.
29 (21) Heliport, helistop.
30 (22) Industrial marina.
31 (23) Light manufacturing and assembly not in a completely enclosed building.
32 (24) Lumberyard.
33 (25) Mass transit station.
34 (26) Motor vehicle wash.
35 (27) Non-retail food production.
36 (28) Paid or public parking lot, garage, structure.

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Sec. 3-9-44. II

- 1 (29) Printing, lithographing, publishing and similar establishments.
- 2 (30) Research, testing facility.
- 3 (31) Sales and storage of mobile homes.
- 4 (32) Sawmill, machine shop.
- 5 (33) Sexually oriented business. (see Sec. 3-9-84. Sexually Oriented Businesses)
- 6 (34) Telecommunications facility, 50 feet or less in height. (see Sec. 3-9-68. Communication
- 7 Towers)
- 8 (35) Telecommunications facility, greater than 50 feet in height. (see Sec. 3-9-68. Communication
- 9 Towers)
- 10 (36) Truck stop.
- 11 (37) Vocational, trade, or business school.
- 12 (c) *Permitted Accessory Uses and Structures*: Uses and structures which are customarily accessory and
- 13 clearly incidental to permitted and conditional uses and structures are also permitted in this district;
- 14 however, no residential facility shall be permitted in the district except for watchmen or caretakers
- 15 whose work requires residence on the premises.
- 16 (d) *Conditional Use (C)*: (For rules and regulations for any use designated as a Conditional Use, see
- 17 Sec.3-9-69. Conditional Uses and Structures)
- 18 (1) Automobile Wrecking and Salvage Yard. (see Sec. 3-9-76. Junklike Conditions Prohibited)
- 19 (2) Laboratories, Class 1, 2, 3.
- 20 (3) Mini transfer station. (see Sec. 3-9-70. Debris and Waste Facilities)
- 21 (4) Minor yard trash processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 22 (5) Outdoor storage yard.
- 23 (6) Private off-site parking.
- 24 (7) Recovered materials processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 25 (8) Residential household hazardous waste collection center. (see Sec. 3-9-70. Debris and Waste
- 26 Facilities)
- 27 (8) Waste tire collection center. (see Sec. 3-9-70. Debris and Waste Facilities)
- 28 (e) *Prohibited Uses and Structures*: Any uses or structures not specifically or by reasonable implication
- 29 permitted herein or permitted by special exception are prohibited in this district:
- 30 (1) Any use not conforming to industrial performance standards.
- 31 (2) Hospitals or clinics, except clinics in connection with industrial activity.
- 32 (3) Place of Worship. (see Sec. 3-9-82. Places of Worship)
- 33 (4) Residential dwelling units, except as provided under accessory uses.
- 34 (f) *Special Exceptions*: (For procedure see Sec. 3-9-6.2. Special Exceptions)
- 35 (1) Agricultural industrial activities, leather tanning, wool processing, meat curing.
- 36 (2) Airport.
- 37 (3) All conditional uses and structures that cannot meet all conditions set forth in this Code.
- 38 (4) Animal and poultry slaughter, stockyards, rendering.

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- 1 (5) Composting facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 2 (6) Explosives manufacturing.
- 3 (7) Explosives storage.
- 4 (8) Fertilizer manufacturing.
- 5 (9) Materials recovery facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 6 (10) Paper and pulp manufacturing.
- 7 (11) Petroleum refining.
- 8 (12) Soil treatment facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 9 (13) Solid waste combustor. (see Sec. 3-9-70. Debris and Waste Facilities)
- 10 (14) Solid waste disposal facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 11 (15) Transfer station. (see Sec. 3-9-70. Debris and Waste Facilities)
- 12 (16) Used oil processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 13 (17) Waste tire processing facility. (see Sec. 3-9-70. Debris and Waste Facilities)
- 14 (18) Waste tire site. (see Sec. 3-9-71. Debris and Waste Facilities)
- 15 (19) Such other uses as determined by the Zoning Official or his/her designee to be:
- 16 a. Appropriate by reasonable implication and intent of the district.
- 17 b. Similar to another use either explicitly permitted in that district or allowed by special
- 18 exception.
- 19 c. Not specifically prohibited in that district.

20 The Board of Zoning Appeals (BZA) shall review a favorable determination of the Zoning Official under
 21 this provision at the time the special exception application is presented to it. An unfavorable
 22 determination of the Zoning Official or his/her designee shall be appealable pursuant to Sec. 3-9-6.
 23 Board of Zoning Appeals. It is expressly intended by these regulations that any use permitted as a
 24 principal use or by Special Exception in another zoning district or districts which is not specifically listed
 25 in this section is excluded by its omission and cannot be a Special Exception considered or approved
 26 by the BZA as one permitted by reasonable implication and intent of the district.

27 (g) *Development Standards:*

II		
Lot (min.)		Adjacent to non-industrial uses
Area (sq. ft.)	40,000	40,000
Width (ft.)	200	200
Setbacks (min. ft.)		
Front	10	15
Side (interior)	0	0
Side (street)	10	15
Rear (interior)	10	15
Rear	10	15

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(street)		
Abutting water	20	20
Bulk (max.)		
Lot Coverage of All Buildings	50%	50%
Height (ft.)	60	60
Density (units/acre)	0	0

1

2 All uses shall conform to the industrial performance standards as set forth in Sec. 3-9-75.

3 Landscape buffers and screening shall be required in this district in accordance with the provisions of
 4 Article XXII, Chapter 3-5, of the Code as the same may be amended.

5 If the II district abuts a residential district, no structure other than screening required pursuant to Article
 6 XXII, Chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than
 7 25 feet or the building height, whichever is greater.

8 Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor,
 9 the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River,
 10 the Peace River, or Coral Creek, structures must also be constructed in accordance with Sec. 3-9-88.
 11 Waterfront Property.

12 (g) *Signs.* Signs shall be in accordance with section 3-9-85.

13 (h) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

1 **3-9-50. – Manasota and Sandpiper Key Zoning District Overlay**

2
3 **(a) Definitions.** When terms are defined both in this Section 3-9-50 and elsewhere in the
4 Code of Laws and Ordinances of Charlotte County, Florida (“Code”), definitions for such terms
5 in this subsection shall control. The following terms shall have the meanings set forth in this
6 subsection:

7 *Advisory Committee* shall mean the Manasota and Sandpiper Key Advisory Committee
8 established by the Board of County Commissioners of Charlotte County, Florida (“Board”) on
9 October 12, 2004 pursuant to Resolution Number 2004-212.

10 *Appurtenances* shall mean something added to another, more important thing on a building
11 that is customarily incidental and subordinate to a principal building.

12 *Building setback calculation* shall mean the methodology used in the Manasota and
13 Sandpiper Key Zoning District Overlay (“Overlay Code”) to determine the stepped setback
14 required from the property line for a building based on building height and stepped setback
15 calculation points.

16 *Design requirements* shall mean the architectural design requirements provided for by the
17 Overlay Code that shall regulate the design of new construction and the repair, rehabilitation or
18 remodeling of existing structures on Manasota and Sandpiper Key.

19 *Driveway* shall mean a permeable surface designed for use by vehicles that connect a road
20 to a structure.

21 *Driveway Crossover* shall mean that portion of a driveway located on a setback.

22 *Height, Building or Structure* in this Code shall mean the distance from 0 feet NGVD to the
23 top of the highest constructed element.

24 *Highest Constructed Element* shall mean the highest point of a building or the highest point of
25 any rooftop livable space or appurtenances thereto.

26 *Manasota and Sandpiper Key Overlay Code* shall mean the Manasota and Sandpiper Key
27 Zoning District Overlay Code established by Section 3-9-50 and as amended into the Code.

28 *Manasota Key* shall mean the land located south of the Sarasota-Charlotte County line,
29 west of Sandpiper Key, north of Stump Pass Beach State Park and east of the Gulf of Mexico.

30 *Manasota Commercial General* or MCG shall mean the commercial general zoning district
31 established by the Overlay Code.

32 *Manasota Commercial Tourist* or MCT shall mean the commercial tourist zoning district
33 established by the Overlay Code.

1 *Manasota Environmentally Sensitive* or MES shall mean the environmentally sensitive
2 zoning district established by the Overlay Code.

3 *Manasota Multifamily* or MMF shall mean the multifamily zoning districts established by
4 the Overlay Code.

5 *Manasota Planned Development* or MPD shall mean the planned development zoning
6 district established by the Overlay Code.

7 *Manasota Single-family* or MSF shall mean the single-family zoning district established by
8 the Overlay Code.

9 *Maximum Building Height* within the Manasota and Sandpiper Key Overlay District shall
10 mean the building height as measured from 0 feet NGVD to the top of the highest constructed
11 element.

12 *Maximum Building Height Calculation* means the height of a building measured from Zero
13 NGVD to the top of the highest constructed element which is the highest point of a building or
14 the highest point of any rooftop livable space or appurtenances thereto.

15 *Minimum Finished Floor Elevation* shall mean the lowest floor for which a building permit
16 may be issued which on Manasota Key in the A-Zones is the minimum lowest floor elevation or
17 Base Flood Elevation (BFE); and in the V-Zone (governed by Florida DEP seaward of the
18 Coastal Construction Control Line (CCCL)) is the least horizontal shore parallel structural
19 member plus the thickness of the structure which for this Overlay Code shall be a vertical
20 measurement of 30 inches from the Lowest Horizontal Structural Member (LHSM).

21 NGVD shall mean the National Geodetic Vertical Datum on the effective date of this
22 Overlay Code.

23 *Overlay Code* shall mean the Manasota and Sandpiper Key Zoning District Overlay Code
24 established by this Section 3-9-50.

25 *Peripheral Landscape Strip* shall mean the required green open area of at least 10feet in
26 width located immediately adjacent and parallel to all sides of the lot boundary that is free of
27 encroachments. The 10-foot wide green open area is a vegetated landscape strip. Vegetated
28 landscaping means grass, ground cover, mulch, shrubs, vines, hedges, and/or trees.

29
30 *Pervious Pavers* shall mean pervious, porous, or permeable pavers with pavers systems
31 that meets or exceeds a product infiltration rate of three inches per hour and absorbed onsite.

32 *Plan* shall mean the Manasota Community Plan as accepted by the Board on September
33 21, 2004 and as it may be amended from time to time.

1 *Rooftop livable space* shall mean all usable areas upon or above the roof of a building
2 including but not limited to decks, swimming pools, walls, fences and railings.

3 *Sandpiper Key* shall mean the land area located south and west of the Intracoastal
4 Waterway, east of the Lemon Bay Channel and north of Manasota Key.

5 *Setback* shall mean the minimum horizontal distance between the road, rear or side lot
6 lines and the front, rear or side lines of the building.

7 *Sidewalk* shall mean a linear surface within and adjacent to or outside and alongside the
8 boundary of a public or private thoroughfare that is designed for use by pedestrians.

9 *Structure* shall mean any construction or any production or piece of work artificially built up
10 or composed of parts joined together in some definite manner. "Structure" includes "building,"
11 as well as other things constructed or erected on the ground, attached to something having
12 location on the ground or requiring construction or erection on the ground.

13 *Structure height* – See Height, structure above.

14 *Walkway* shall mean a linear surface utilized by pedestrians for passage over dunes and
15 other beach areas.

16
17 **(b) Establishment; short title:** The Manasota and Sandpiper Key Zoning District Overlay Code
18 is hereby established. The short title of this Section shall be “Manasota and Sandpiper Key
19 Overlay Code.”

20
21 **(c) Intent.** The intent of the Manasota and Sandpiper Key Overlay Code is to implement the
22 goals, objectives, and policies of the Manasota Key Community Plan to preserve and protect the
23 existing low-density development and to blend future development with it in an appropriate
24 manner.

25
26 **(d) Boundary.** The area affected by the Manasota and Sandpiper Key Overlay Code shall be
27 the area depicted as Manasota and Sandpiper Key on Smart Charlotte 2050 FLUM Series Map
28 #9: Barrier Island Overlay District.

29
30 **(e) Applicability; conflict with other ordinances.** The Overlay Code shall apply to
31 development and redevelopment on the islands together with all other matters referenced in the
32 Overlay Code. The terms “development” and “redevelopment” shall be construed liberally and
33 shall include any plat, special exception, variance, waiver, site plan approval, building or sign
34 permit, or any other official action of Charlotte County that has the effect of permitting

1 development and/or redevelopment or any application for any of the preceding matters. The
2 Overlay Code shall apply to the preceding matters notwithstanding the application of another
3 provision(s) of the Code to said matters. Except where expressly provided herein, the terms of
4 the Overlay Code shall supersede and control in the event and to the extent of a conflict
5 between the Overlay Code and another provision of the Code.

6
7 **Zoning Districts**

8 The following zoning districts are the only zoning districts permitted within the Manasota and
9 Sandpiper Key Overlay District and shall only be permitted in the Manasota and Sandpiper Key
10 Overlay District.

- 11
12 (1) Open Space & Rural Districts
13 Manasota Environmentally Sensitive (MES)
14 (2) Residential Districts
15 Manasota Single-Family 1 (MSF-1)
16 Manasota Single-Family 3.5 (MSF-3.5)
17 Manasota Single-Family 5 (MSF-5)
18 Manasota Multifamily 7.5 (MMF-7.5)
19 Manasota Multifamily 10 (MMF-10)
20 Manasota Multifamily 12 (MMF-12)
21 (3) Commercial Districts
22 Manasota Commercial General (MCG)
23 Manasota Commercial Tourist (MCT)
24 (4) Special Districts
25 Manasota Planned Development (MPD)
26

27 **(f) Intent of Manasota and Sandpiper Key Overlay Districts:**

28 (1) The *intent* of the MES district is to preserve and protect certain land and water areas which
29 have overriding ecological, hydrological, or physiographic importance to the public at large. It is
30 intended to preserve and protect open spaces, park lands, wilderness areas, marshlands,
31 watersheds and water recharge areas, scenic areas, beaches and native flora and fauna. It is
32 intended to allow limited public/private recreational/educational uses and their incidental
33 accessory uses and structures.

1 (2) The *intent* of the MSF district is to provide single-family residential dwellings and for other
2 uses normally associated with single-family residential dwellings. Nothing herein is intended to
3 prevent the grouping of lots or parcels for residential single-family uses.

4 (3) The *intent* of the MMF district is to provide low or medium-density residential districts with
5 emphasis on multifamily use. There are variations among the MMF districts in requirements
6 which include differing lot areas, width, yards and uses.

7 (4) The *intent* of MCG district is to provide areas in which the customary and traditional conduct
8 of trade, retail sales and commerce may be carried on without disruption by the encroachment
9 and intrusion of incompatible residential uses and protected from the adverse effects of
10 undesirable industrial uses.

11 (5) The *intent* of the MCT district is to permit the designation of suitable locations for and to
12 facilitate the proper development and use of land for the commercial provision of
13 accommodations and services for tourists and other visitors and short-term or seasonal
14 residents. The term "accommodations" is intended to include housing and various amenities,
15 including recreational facilities and local retail trade in goods and service both general and
16 specific to the locality/tourist attraction or principal activities. Areas designated MCT are
17 expected to be located near or adjacent to a tourist attraction such as Gulf of Mexico beach
18 frontage, major public or private parks, and other recreational or scenic resources.

19 (6) The *intent* of the MPD district is to retain standards that maintain current densities and
20 zoning districts consistent with the goals of the Manasota Key Community Plan and provide
21 standards for new planned developments.

22

23 **(g) District Development Standards**

24 **(1) Open Space & Rural District Standard.** The following numerical requirements apply
25 subject to the provisions below.

	MES
Lot (min acres)	
Lot area outside Urban Service Area	40
Lot Width (ft.)	250
Yard (min. ft.)	
Front	25
Side	20
Rear	20

Abutting Water	20
Side & Rear Abutting Gulf of Mexico	50
Bulk (max.)	
Lot Coverage	10%
Height (ft.)	43 ft.
Density (units per acre)	0.025

- 1 a. Only one driveway crossover is permitted within the front yard setback.
- 2 b. Maximum building height shall not exceed 43 feet for MSF Zones landward of the
- 3 Florida Department of Environmental Protection Coastal Construction Control
- 4 Line (“CCCL”) as measured from Zero feet NGVD to the top of the highest
- 5 constructed element. Building height calculations are contained under the
- 6 development standards of this Overlay Code.
- 7 c. The property shall be maintained in natural vegetation rather than landscaped.
- 8 d. Temporary portable structures and mobile homes shall be prohibited in this
- 9 district.

10 **(2) Residential District Standards**

11 **A. Single-family.** The following numerical requirements apply subject to the provisions below.

	MSF-1	MSF-3.5	MSF-5	Non-Conforming
lot (min)				
Lot Area (sq.ft.)	43,560	12,445	8,712	Less than 8,712
Lot Width (ft.)	125	80	70	Less than 70
Yard (min. ft.)				
Front	25	25	25	25
Side Yard (interior)	10	10	10	10
Side Yard (street)	20	15	15	15
Rear Yard (interior)	20	20	20	10
Rear Yard (street)	25	25	25	25
Abutting Water	20/50GM	20/50GM	20/50GM	20/50GM
Peripheral Landscape Strip	10	10	10	10
Bulk (max.)				
Lot Coverage	35%	35%	35%	35%

Height (ft.)	48/43	48/43	48/43	48/43
Density (units/acre)	1	3.5	5	Same as District
Setbacks for Accessory Building From:				
Rear (interior) Lot Line, feet	20	20	20	20
Side Yard	Same as principal building			
Abutting Road Right-of-way Line	Same as principal building			
Rear or Side Line Abutting Bay or Waterway	20	20	20	20
Rear or Side Line Abutting Gulf	50	50	50	50

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- a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under the Development Standards, Section (j) (8) of this Overlay Code. Stepped setbacks are a function of building height.
- b. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 20 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.
- c. Maximum building height shall not exceed 48 feet for all MSF Zones seaward of the Florida DEP Coastal Construction Control Line (CCCL) and 43 feet for MSF Zones landward of the CCCL as measured from Zero feet NGVD to the top of the highest constructed element. Building height calculations are contained under the development standards of this Overlay Code.
- d. All properties shall have front, side and rear peripheral landscape strips of no less than 10 feet. Peripheral landscape strip and parking standards are contained under the development standards of this Overlay Code. Parking and driveway requirements are specified under the architectural standards of this Overlay Code.

- 1 e. All non-conforming lots less than 70 feet in width or less than the District
- 2 minimum lot area required shall have front, side, and rear peripheral landscape
- 3 strips of no less than 10 feet.
- 4 f. All new development and any improvement to an existing development that totals
- 5 over 1,000 square feet of pervious pavers shall be required to submit a drainage
- 6 plan that shows how the pervious system meets or exceeds a product infiltration
- 7 rate of three inches per hour and absorbed onsite; and minimal subgrade slope
- 8 not to exceed 1% for parking, vehicular traffic areas and patios.
- 9 g. Accessory structures are also subject to other applicable provisions in this
- 10 Overlay Code including: (h) Permitted Uses, (j) (11) Development Standards, and
- 11 (k)(6) Architectural Design Standards.

12 **B. Multifamily.** The following numerical requirements apply subject to the provisions below.

	MMF-7.5	MMF-10	MMF-12	ALL MMF Non-Conforming
Lot (min.)				
Lot Area (sq.ft.)	7,500	7,500	7,500	Less than 7,500
Lot Width (ft.)	80	80	80	Less than 80
Yard (min. ft.)				
Front	30	30	30	30
Side Yard (interior)	10	10	10	10
Side Yard (street)	15	15	15	15
Rear Yard (interior)	20	20	20	10
Rear Yard (street)	15	15	15	15
Abutting Water	35/50GM	35/50GM	35/50GM	35/50GM
Peripheral Landscape Strip	10	10	10	10
Bulk (max.)				
Lot Coverage	35%	35%	35%	35%
Height (ft.)	55/48	55/48	55/48	55/48
Density (unit per acre)	7.5	10	12	Same as district

- 1 a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set
- 2 forth under the Development Standards, Section (j) (8) of this Code. Stepped
- 3 setbacks are a function of building height.
- 4 b. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 35
- 5 feet, and those that abut the Gulf of Mexico (GM) shall be at least 50 feet.
- 6 c. No stormwater management systems shall be located within the peripheral
- 7 landscape strip. No side yard setback areas shall contain conventional stormwater
- 8 detention ponds.
- 9 d. Maximum building height shall not exceed 55 feet for all MMF Zones seaward of the
- 10 Florida DEP Coastal Construction Control Line (CCCL) and 48) feet for MMF Zones
- 11 landward of the CCCL as measured from Zero feet NGVD to the top of the highest
- 12 constructed element. Building height calculations are contained under the
- 13 development standards of this Overlay Code.
- 14 e. All properties shall have front, side, and rear peripheral landscape strips of no less
- 15 than 10 feet. Peripheral landscape strip and parking standards are contained under
- 16 the development standards of this Overlay Code. Parking and driveway requirements
- 17 are specified under architectural standards of this Overlay Code.
- 18 f. All non-conforming lots less than 80 feet in width or less than the District minimum lot
- 19 area required shall have front, side and rear peripheral landscape strips of no less
- 20 than 10 feet.
- 21 g. For multi-family structures on non-conforming MMF lots 50 feet wide or less, the
- 22 owner may request an administrative waiver of up to 20% of the side setback (two
- 23 feet on each side) to redress hardships associated with meeting driveways and
- 24 parking requirements for multifamily development. Waiver limits are contained in the
- 25 development standards of this Overlay Code.

26 **C. Commercial District Standards**

	MCG	MCT	MCT	MCT	MCT
		Commercial use	Commercial-Nonconforming	Residential use	Mixed Use
Lot (min.)					
Area (sq. ft.)	12,000	12,000	less than 12,000	7,500	12,000
Width (ft.)	100	100	less than 100	80	100
Yard (min.ft.)					

Front	18	25	See Note 1	30	25
Side Yard (interior)	/25	10	10	10	10
Side Yard (street)	20	20	20	15	20
Rear Yard (interior)	10	10	10	20 see below	10
Rear Yard (street)	25	25	25	15	25
Abutting Water	20/50 GM	20/50 GM	20/50 GM	35/50 GM	35/50 GM -R 20/50- GM -C See Note 3
Peripheral Landscape Strip	10	10	10	10, See Note 2	10
Abutting Property Zoned MSF and MCT-residential	25	25	25	NA	25
Bulk (max.)					
Lot Coverage	50%	35%	35%	35%	35%
Height (ft.)	48/43	48/43	48/43	55/48	55/48
Density (units/acre)	0	0	0	15	15

1 **Note 1.** MCT Commercial lots 85 feet or less in depth shall utilize the 18 foot Front Yard
2 standard of the MCG zoning district. All others shall meet the 25 foot Front Yard standards of
3 the MCT commercial zone.

4 **Note 2.** MCT Residential lots 50 feet wide or less may apply for a 20% administrative side
5 setback waiver in hardship cases.

6 **Note 3.** On MCT Mixed Use lots, first floor MCT Commercial use setback shall be 20 feet from
7 the Bay and upper floor MCT Residential setback shall be 35 feet from the Bay.

8 **a. Manasota Commercial General (MCG)**

9 i. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth
10 under the Development Standards, Section (j) (8) of this Code. Stepped setbacks are a
11 function of building height.

12 ii. Side and rear yards that abut any water but the Gulf of Mexico shall be at least 20 feet,
13 and those that abut the Gulf of Mexico shall be at least 50 feet.

14 iii. Setbacks abutting property zoned Residential shall be equal to 25 feet.

15 iv. Maximum building height shall not exceed 48 feet for all MCG Zones seaward of the
16 CCCL and 43 feet for MCG Zones landward of the CCCL as measured from Zero feet

1 NGVD to the top of the highest constructed element. Building height calculations are
2 contained under the development standards of this Overlay Code.

- 3 v. All properties shall have front, side, and rear peripheral landscape strips of no less than
4 10 feet. Peripheral landscape strip and parking standards are contained under the
5 development standards of this Overlay Code.
- 6 vi. All MCG lots, including nonconforming less than 100 feet in width or less than the District
7 minimum lot area required shall have front, side, and rear peripheral landscape strips of
8 no less than 10 feet.

9 **b. Manasota Commercial Tourist (MCT)**

- 10 i. This district is a mixed-use district. Commercial and residential uses are permitted and
11 the site may be entirely commercial, entirely residential, or mixed use, using the
12 appropriate development standards.
- 13 ii. Setbacks
 - 14 a) All setbacks (front, side, and rear) are subject to the stepped setback provisions
15 set forth under the Development Standards, Section (j) (8) of this Code. Stepped
16 setbacks are a function of building height.
 - 17 b) Side and rear yards that abut any water but the Gulf of Mexico shall be at least
18 35 feet, and those that abut the Gulf of Mexico shall be at least 50 feet.
- 19 iii. Setbacks for MCT-Commercial and MCT-Mixed Use abutting property zoned Residential
20 shall be 25 feet.
- 21 iv. Setback calculation provisions are contained under the development standards of this
22 Overlay Code.
- 23 v. Maximum building height shall not exceed 48 feet of structure height for MCT-
24 Commercial Districts seaward of the CCCL; 43 feet of structure height for MCT-
25 Commercial Districts landward of the CCCL. Maximum building height shall not exceed
26 55 feet of structure height for MCT-Residential and MCT-Mixed Use Districts seaward of
27 the CCCL, and 48 feet of structure height for MCT-Residential and MCT-Mixed Use
28 Districts landward of the CCCL. Height shall be measured from Zero feet NGVD to the
29 top of the highest constructed element. Building height calculations are contained under
30 the development standards of this Overlay Code.
- 31 vi. All properties shall have front, side, and rear peripheral landscape strips of no less than
32 10 feet. Peripheral landscape strip and parking standards are contained under the
33 development standards of this Overlay Code. Parking requirements are specified under
34 Architectural standards of this Overlay Code.

- 1 vii. All non-conforming MCT-Commercial lots less than 100 feet in width and/or less than the
- 2 District minimum lot area required shall have front, side, and rear peripheral landscape
- 3 strips of no less than 10 feet.
- 4 viii. All non-conforming MCT-Residential lots less than 80 feet in width or less than the
- 5 District minimum lot area required shall have front, side, and rear peripheral landscape
- 6 strips of no less than 10 feet.
- 7 ix. All non-conforming MCT-residential lots shall be required to conform to the non-
- 8 conforming standards as set forth in this Overlay Code as they apply to MMF-12
- 9 development standards.
- 10 x. For non-conforming MCT-residential lots 50 feet wide or less, the owner may request an
- 11 administrative waiver of up to 20% of the side setback (two feet on each side) to redress
- 12 hardships associated with meeting driveways and parking requirements for multifamily
- 13 development. Waiver limits are contained in the development standards of this Overlay
- 14 Code.

15

16 **Special Purpose District**

17 **Manasota Planned Development Zoning and Land Uses (MPD).** The following numerical requirements

18 apply subject to the provisions below.

Lot Requirements	MPD
Lot (min.)	
Lot Area (sq. ft.)	150,000
Yard (min. ft.)	
Front	40
Side, Rear or Between Structures	25 See Below
Abutting Lemon Bay	35 See Below
Abutting the Gulf of Mexico	50
Bulk (max.)	
Lot Coverage	35%
Floor Area Ratio	0.6
Building Height (ft.)	48 ft./43 ft. for land previously zoned MSF, and 55/48 ft. for MMF and MCT-residential and MCT-Mixed Use.
Density	No greater than existing lot density permitted

- 19 a. All setbacks (front, side, and rear) are subject to the stepped setback provisions set forth under
- 20 the Development Standards, Section (j) (8) of this Overlay Code. Stepped setbacks are a
- 21 function of building height.

- 1 b. Maximum building height shall not exceed 48 feet for lands previously MSF Zones seaward of
2 the CCCL and 43 feet for MSF Zones landward of the CCCL. Maximum height shall not exceed
3 55 feet for lands previously MMF and MCT-Residential Zones seaward of the CCCL and 48feet
4 for MMF and MCT-Residential landward of the CCCL. MCT-Mixed Use developments shall not
5 exceed the 55 feet seaward of the CCCL and 48 feet landward of the CCCL and shall include
6 one floor of commercial use. Maximum height shall be measured from Zero feet NGVD to the
7 top of the highest constructed element. Building height calculations are contained under the
8 development standards of this Overlay Code.
- 9 c. Floor-area ratio shall be calculated excluding all submerged portions of the MPD site.
- 10 d. Lands subject to a MPD rezoning shall meet the minimum lot frontage for the most restrictive
11 zoning district applicable to the property prior to the rezoning to a MPD.
- 12 e. There shall be one main point of access and one emergency entrance per contiguous land
13 rezoned to MPD.
- 14 f. Lands subject to a MPD rezoning shall be contiguous whenever possible. If said lands are not
15 contiguous, a 25 foot MPD setback shall be applicable whenever the proposed MPD abuts
16 property not zoned MPD. Said MPD setback shall contain the uses and structures permissible in
17 the peripheral landscaping strip, as defined in this Section. Front and rear yard areas may
18 contain pools or other accessory structures as set forth in this Overlay Code.
- 19 g. A minimum of 20 percent of the entire MPD parcel shall be open space, which shall include
20 environmentally sensitive habitats and vegetated areas and shall not be encumbered by an
21 impervious surface. Easements and parking areas are not included in open space calculations.
- 22 h. When the minimum MPD setbacks above conflict with other required setbacks, including CCCL
23 regulations, and other applicable regulations, the enforceable setback shall be that which results
24 in a greater distance from property lines to structures.
- 25 i. Density bonuses. Density bonuses shall not be applicable in the Overlay Code.
- 26 j. Failure to obtain final approval for a MPD within three years with no extension from concept plan
27 approval may cause the County to initiate a rezoning of the property, which shall revert to the
28 zoning district back to its original designation.
- 29 k. Parking Requirements: i) All land coverings, including parking and circulation areas, must be
30 pervious. This requirement shall not apply to areas under the footprints of approved structures.
31 ii) parking standards are contained under the development standards of this Overlay Code. iii)
32 Parking areas shall be located on the same parcel as the proposed use. Parking shall not be a
33 principal use on any given parcel.

- 1 I. Principle Uses and Structures: Uses and structures permissible under the MPD district shall be
 2 equivalent to those that would otherwise be permissible on the property or properties prior to
 3 rezoning to a MPD. In no case shall multi-family dwellings replace single-family dwellings.
 4 However, multi-family zones may be rezoned to single-family.
- 5 m. Accessory Uses and Structures: Uses and structures that are customarily accessory and clearly
 6 incidental to the principal uses approved for the MPD are permissible in this district. Where a
 7 MPD contains residential uses, noncommercial docks are allowed. Such marine structures shall
 8 be permitted according to the Code and a recommendation by the Advisory Committee.
- 9 n. MPD developments are subject to all other development and design standards contained in the
 10 Overlay Code.

11

12 **(h) Permitted Uses and Use Table**

13 (1) The permitted uses in the Manasota and Sandpiper Key Overlay Districts are identified in the use table.

USE TABLE						
USE CATEGORIES	SPECIFIC USES	MES	MSF	MMF	MCG	MCT
OPEN & RURAL USES						
	Fishing, Fisheries, hatcheries, preserves	SE				
RESIDENTIAL USES						
	Single family, detached, modular	P	P	P		
	Manufactured home (DCA)		P			
	Cluster Subdivision		SE			
	Duplex			P		
	Multifamily			P		P
	Other: Guest House		SE			
	Other: Home Occupation		SE	SE		
PUBLIC & CIVIC USES						
	Emergency Services	SE	SE	SE	P	P
	Public Building				SE	SE

	Fish & WL mgt. area, nature preserve	P				
	game preserve, public & private	P				
	Outdoor Education facility	P				
	Park, recreation facility, park office, maintenance facility, playground, open space	SE				
	Essential Services		SE	SE	P	P
COMMERCIAL USES						
	Bed and Breakfast 1 or 2 bedroom			SE		P
	Bed and Breakfast 3 or more bedrooms					P
	Hotel, motel, inn				P	P
	Beach clubs without food or sundry sales		SE	SE	P	P
	Recreation, Indoor				P	
	Recreation, Outdoor				P	
	Recreation vehicle rental, non-motorized only				P	SE
	Restaurant				P	P
	Bar, cocktail lounge, nightclub, tavern				P	P
	Real Estate Services & property management				P	P
	Convenience Store				P	P
	Liquor, package store				SE	SE
	Pharmacy					P
	Specialty Shops				P	P

- 1 (2) It is the intent of this section to restrict the allowable uses with the Overlay Code Districts to avoid trip-
2 generating traffic not related to residential and beach-related tourist uses on this small barrier strip.
- 3 (3) Unless specifically defined in the above table and this subsection, additional uses and structures are
4 prohibited.

- 1 (4) Public parks and recreational facilities shall only be allowed in the MES District and only by special exception
2 and only if restricted to meet the intent of the MES District.
- 3 (5) Paid parking shall be prohibited on any parcel within the Overlay District, except on public recreation lands.
4 Leasing or rental of upland properties on the islands for short-term parking or long-term storage of vehicles or
5 trailers shall be prohibited in all Districts. Multi-story parking garage structures shall be prohibited in all
6 Districts.
- 7 (6) Lodges or private clubs shall be prohibited in all Districts and beach clubs shall be allowed only without food or
8 sundry sales.
- 9 (7) Hotel/Motel/Inn uses may have commissary, coffee bar, continental breakfast and other services for their
10 guests.
- 11 (8) Sport marinas and Resort marinas shall be prohibited. However, leasing of dock space in the MCT district
12 only on lots adjacent to coastal waters not on the Gulf of Mexico is permitted as a special exception with the
13 following restrictions: no live-aboard dockage; no sale of fuel and lubricants; no provisions, bait & tackle; no
14 service buildings with laundry facilities, showers, toilets; no rental of motorized watercraft; and no launching of
15 boats from the site. A condition of the permit is adequate parking for leased dock spaces. Private
16 noncommercial boat docks are permissible in MES, MSF, MMF, and MCT-Residential Districts for the
17 exclusive use of the property owner or someone with a legal interest greater than a lease hold interest and
18 are prohibited from being rented.
- 19 (9) The rental, sale, or repair of motorized vehicles, including but not limited to boats, jet skis, scooters, and
20 segways, is prohibited. Non-motorized recreational rentals, including but not limited to kayaks, canoes, and
21 bicycles, is allowed in the MCG District and, as a special exception in MCT District.
- 22 (10) Home Occupations are allowed by Special Exception in MSF and MMF zones. In addition to meeting the
23 requirements of the Code, the applicant must provide documentation that the proposed home occupation
24 does not involve employees or clients who visit the premises and will not generate parking space demands
25 (e.g., telemarketing verses music teacher); or if lot is twice the minimum lot size, demonstrate that there is
26 adequate parking for the number of clients expected to be serviced.
- 27 (11) One guest house or one servant's quarters for each single-family dwelling are allowed by special exception,
28 provided the lot area shall be not less than twice the minimum lot area required for a single-family dwelling;
29 and the guest house or servant's quarters is intended for use on a temporary basis. The guest house and
30 principal dwelling shall not be rented separately.
- 31 (12) Restaurant Outdoor Seating is an allowable use for restaurants and bars, and, whether covered or
32 uncovered, shall be required to be reviewed by the Advisory Committee for compliance with the setback,
33 paving and other requirements of this Overlay Code. Outdoor and under-structure exterior bar areas are
34 allowed, but shall be required to meet the setback, paving, height, and other requirements of this Overlay
35 Code and be reviewed by the Advisory Committee.

1 (13) Specialty shops include small jewelry, gift, clothing, accessories, coffee, bakery, ice cream, and the like,
2 beach tourist-related shops. Such other beach tourist-related shops, as determined by the Zoning Official with
3 concurrence by the Advisory Committee, may be permitted by special exception.

4 (14) Accessory structures and Accessory Uses. Accessory structures shall be required to meet the standards set
5 forth under (j) and (k) of this Overlay Code.

6 a) Uses and structures that are customarily accessory and clearly incidental to the MSF principal uses and
7 structures are also permitted within the MSF districts and include: private garages and storage structures,
8 greenhouses; swimming pools and hot tubs; and tennis courts, subject to standards under (j) and (k) of this
9 Overlay Code.

10 b) Uses and structures that are customarily accessory and clearly incidental to the MMF principal uses and
11 structures are also permitted within the MMF districts and include private garages and storage structures,
12 swimming pools and hot tubs, and tennis courts, subject to standards under (j) and (k) of this Overlay
13 Code.

14 c) Uses and structures that are customarily accessory and clearly incidental to the MCT principal uses and
15 structures are also permitted within this district including a residential dwelling unit within the same
16 structure as the principal use for occupancy by owner or employee of permitted uses, parking lots, and
17 outdoor dining areas.

18 d) Uses and structures that are customarily accessory and clearly incidental to the MCG principal uses and
19 structures are also permitted in this district, including a residential dwelling unit within the same structure
20 as the principal use for occupancy by owner or employee of permitted uses, parking lots, and outdoor
21 dining areas.

22 e) Uses and structures that are customarily accessory and clearly incidental to the MES principal uses and
23 structures are permissible in this district including private noncommercial boat dock but not piers, docks
24 and wharves.

25 f) Accessory structures are required to be setback within the yards including, but not limited to, detached
26 garages and carports, storage structures, swimming pools and hot tubs, with or without screen enclosures;
27 green houses, and tennis courts.

28 g) Only the following accessory uses are permitted within the required yards on Manasota and Sandpiper
29 Key: 1) stairways may project up to four feet in a required front or rear yard, but not into the required side
30 yards. Guttered roof overhangs may project up to two feet into a required front or rear yard on all lots; and
31 may project up to two feet into the side yard and peripheral landscape strip on lots fifty feet wide or less.
32 Where elevated, these uses must meet the stepped setback and maximum height requirements of this
33 Overlay Code.

34 (15) Uses and structures permissible under the MPD district shall be equivalent to those that would otherwise be
35 permissible on the property or properties prior to rezoning to a MPD.

36
37 **(i) Development Review Procedure**

- 1 (1) The County zoning staff shall refer an applicant for any development that requires a site plan to the
2 Advisory Committee for a pre-application consultation. Prior to submitting an application to the
3 County for any type of development, including a Special Exception, a Variance, or a Letter of No
4 Objection, an applicant shall appear before the Advisory Committee at a regularly-scheduled public
5 meeting of the Advisory Committee to review, discuss, and receive recommendations from the
6 Advisory Committee regarding the proposed development's consistency with the Manasota Key
7 Community Plan and this Overlay Code. Such request for review shall be accompanied by
8 documentation required by the Advisory Committee to perform its review. At the conclusion of the
9 review, the Advisory Committee shall prepare written comments regarding the proposed
10 development with recommendations or notations, as appropriate, which shall be considered by the
11 County during the review process.
- 12 (2) All sketches, site plans, or other documentation submitted to the County as part of a development
13 application shall be consistent with any information submitted to the Advisory Committee for review,
14 except as such may be revised based upon recommendations made by the Advisory Committee.
- 15 (3) All new applications, whether previously reviewed or not, shall be reviewed by the Advisory
16 Committee.

17

18 **(j) Development Standards.** These development standards shall apply to all zoning districts within the
19 Overlay Code.

20 **(1) Uniform Line of Construction.** In order to maintain the uniform line of construction of major
21 structures within the Overlay District, no portion of a residential structure shall be located
22 seaward of this line, or of a line traced between the corners of the two nearest buildings along
23 the Gulf of Mexico, except as permitted by DEP.

24 **(2) No-Fill Area.** The entire Overlay District is designated as a No-fill Area, within which only pilings
25 and stemwalls may be used for all construction, except the minimum amount of fill necessary
26 within the building footprint and for drainfields associated with on-site waste treatment and
27 disposal systems.

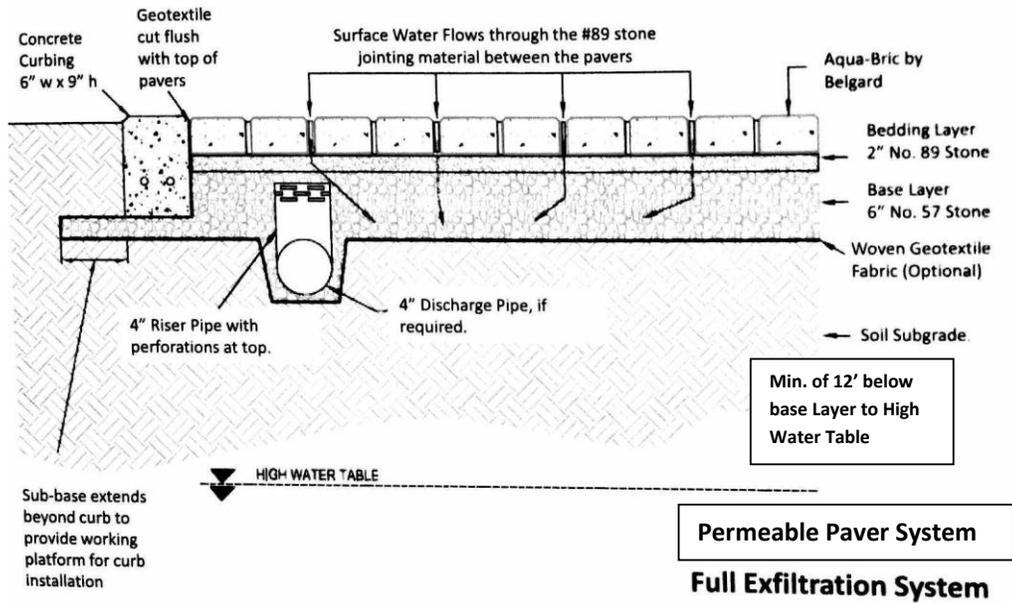
28 **(3) Pervious Material.** With the exception of fences and walls, all ground-level amenities such as
29 walkways, patios, new private roads, residential driveways, and all parking spaces outside of the
30 building footprint shall be constructed of pervious materials to improve drainage and runoff. The
31 use of pavers for parking lots, driveways, patios and pools shall be subject to Advisory
32 Committee review and County permit and shall be installed to meet or exceed product filtration
33 rate of three inches per hour; and minimal subgrade slope not to exceed 1% for parking,

1 vehicular traffic areas and patios. The only exceptions to the use of pervious pavers shall be a
2 three-foot perimeter around a pool and handicapped accessible routes when required by ADA.

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Diagram 1: Permeable Paving System

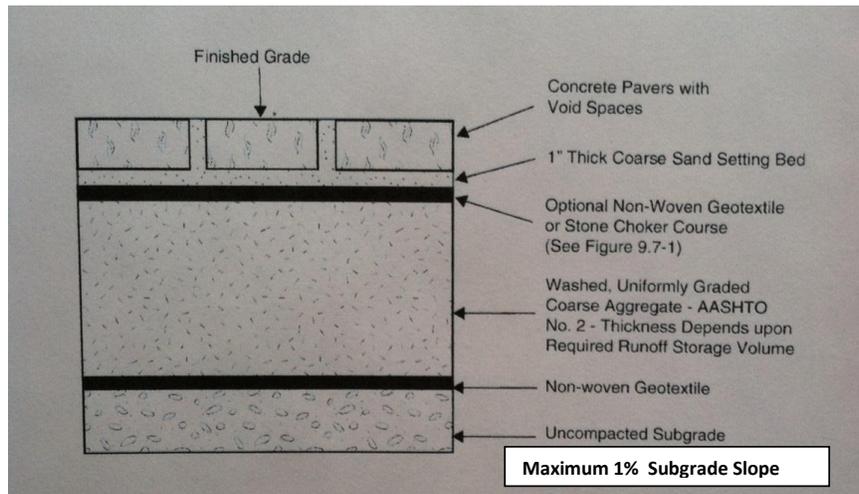


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Diagram 2: Permeable Pavers with Storage Base

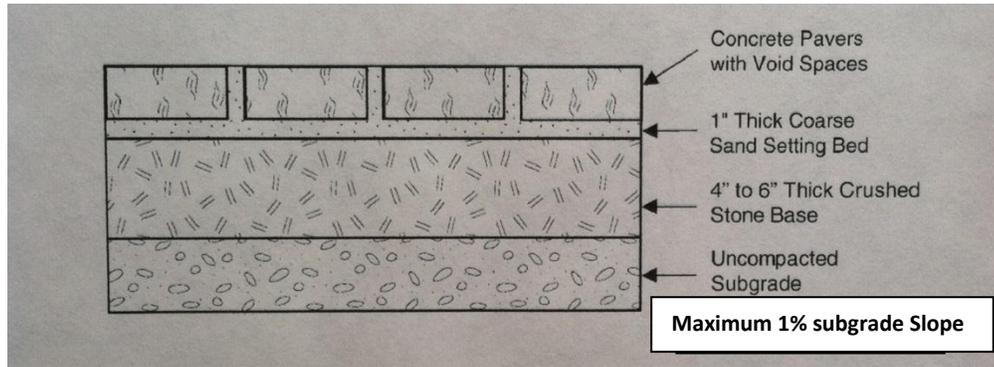


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Diagram 3: Pervious Pavers without Storage Base



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3 **(4) Bulk Limitations.** No building shall be over 200 feet wide or long in any zoning district.

4 **(5) Open Space/Reservation Area.** All development within the Overlay District subject to Site Plan
5 Review shall include an open space/habitat reservation area equal to five percent of the total
6 area of the development. No financial contribution in lieu of reservation shall be permitted.
7 Peripheral landscape strips and setbacks may be counted as part of the open space habitat area
8 unless the lot is greater than one -quarter acre.

9 **(6) Pilings for Structures.**

- 10 a. Pilings shall conform to construction techniques authorized under the Florida Building Code.
- 11 b. Pilings for structures throughout Manasota and Sandpiper Key shall be augered into the
12 ground, or otherwise introduced through contemporary technologies that are shown to reduce
13 the noise and vibration in sufficient amount to meet the intent of this Section.
- 14 c. If driving pilings into or onto the ground is proposed,
 - 15 i) The developer must conduct a detailed geotechnical analysis of the property with a
16 certification from a geotechnical engineer that the proposed development activity will
17 have no adverse impacts to adjacent properties; and
 - 18 ii) Show proof of minimum insurance policy coverage of \$1.5 million per occurrence and \$5
19 million aggregate.
 - 20 iii) If pile driving is deemed appropriate, the contractor shall be required to notify by mail the
21 owner of properties within 300 feet of the outer limits if the subject property and
22 document existing conditions of structures, prior to the planned development.
 - 23 iv) The contractor must offer all properties within 300 feet an opportunity to have their
24 properties inspected by an engineer/inspector prior to pile driving at the builder's
25 expense. The intent of this inspection is to create a record of conditions prior to work
26 occurring.

- 1 v) The contractor must also offer all properties within 300 feet an opportunity to have, at
2 builder's expense, one on-site seismic reading during the pile driving. A permit to drive
3 piles (pile driving) will not be issued until the contractor of record provides to the County
4 by affidavit a list of property owners within 300 feet of the project and addresses along
5 with a receipt or other proof of mailing and completion of required inspections.
- 6 vi) The Contractor of record or the owner-builder shall be the party responsible to insure
7 that the notification and offers have been made and that reasonable effort to comply with
8 these requirements has occurred. Records of these offers shall be maintained by the
9 contractor or owner-builder and be made available to the Building and Zoning Division.
- 10 vii) In addition, the Contractor shall be required to provide the county with an insurance
11 certificate showing that the contractor carries comprehensive general liability in the
12 amount of \$1.5 million for each occurrence, and aggregate and property damage in the
13 amount of \$5 million for each occurrence and the \$5 million aggregate. For the purposes
14 of this Section, "pile driven" constitutes a work effort for driving, impact driving or
15 hammer driving of a pile or similar object into the ground used to support or reinforce
16 any structure or building including but not limited to treated timber piling, prestressed
17 concrete piling, steel piling, driven test piling, concrete sheet piling, steel sheet piling,
18 batter piles, anchor piles, dolphin piles, fender piles and guide piles.
- 19 viii) The contractor of record must complete an application for pile driving on the form
20 prescribed by the County. The application shall contain notice provisions, geotechnical
21 data, and insurance requirements as enumerated above.
- 22 ix) Notwithstanding the contents of this subsection, this restriction shall not be applicable to
23 pilings which are installed onto submerged lands as part of dockage or other marine
24 structures.

25 **(7) Maximum Building Height, Maximum Stories and Maximum Building Height Calculation.**

26 For the purpose of the Overlay Code, the maximum height of a building shall be measured from
27 Zero NGVD to the top of the highest constructed element.

- 28 a. Highest constructed element is the highest point of a building or the highest point of any
29 rooftop livable space or appurtenances thereto.
- 30 b. Rooftop livable space is all usable areas upon or above the roof of a building including but not
31 limited to decks, swimming pools, walls, fences and railings. Rooftop livable space shall be
32 calculated as the actual height of the railing, fence, wall or other rooftop structure.

- 1 c. Appurtenance includes but is not limited to ornamental fixtures and fittings and rooftop
2 equipment such as chimneys, antennas, cupolas, elevators, or other mechanical or
3 communications equipment.
- 4 d. Only the following essential appurtenances shall be allowed above the rooftop or highest
5 constructed element on Manasota Key, to exceed the height cap for the property, in the MMF
6 and MCT-residential Zones associated with multi-family development: Stairs at no greater
7 than seven feet; elevator shafts at no greater than four feet; AC units at no greater than 4.5
8 feet; and mechanical pipes no greater than two feet; and lightning rods no greater than two
9 feet. These appurtenances shall not be allowed on any facade. All appurtenances shall be
10 located near the center of the roof, behind a line of sight. The “line of sight” shall be 15
11 degrees from the street front façade and 30 degrees from all other facades. For all essential
12 appurtenances that exceed the building height cap, there shall be a horizontal green space
13 offset equal to the square footage of the height of the appurtenance that protrudes above the
14 highest constructed element times the widest or longest dimension of the appurtenance. For
15 example, if a stairway protrudes seven feet above the highest constructed element and is ten
16 feet at its greatest width or length dimension, the green space offset required shall be 70
17 square feet. The green space offset can be located anywhere on the property outside the
18 peripheral landscape strip.
- 19 e. Maximum building height shall not exceed 48 feet of structure height for MSF, MCG and MCT-
20 Commercial Districts seaward of the CCCL; 43 feet of structure height for MSF, MCG and
21 MCT-Commercial Districts landward of the CCCL; 55 feet of structure height for MMF, MCT-
22 Residential and MCT-Mixed Use Districts seaward of the CCCLe, and 48 feet of structure
23 height for MMF, MCT-Residential and MCT-Mixed Use Districts landward of the CCCL.
- 24 f. The maximum number of stories shall be no greater than three) stories over parking in MMF,
25 MCT-Residential and MCT-Mixed Use Zones; and no greater than two stories over parking in
26 MSF, MCG, and MCT-Commercial Zones.
- 27 g. In unique circumstances, due to ground level or elevation requirements, the 48 foot NGVD
28 height limit may be exceeded such that a 35 foot building envelope may be met from finished
29 floor to the top of the roof on multi-family development projects landward of the CCCL.
- 30 h. In unique circumstances, where any portion of a building is located in two flood zones, one
31 being seaward of the CCCL, the seaward maximum height shall apply to the entire building.
- 32 i. There shall be a required green space off-set of one linear foot for each foot of structure
33 height in excess of 52 feet in the MMF, MCT-Residential and MCT-Mixed Use Zones seaward
34 of the CCCL to be added in the front yard, in addition to the 10 foot peripheral landscape strip.

For every foot of additional building height over 52 feet, there shall be a horizontal foot of green space added to the entire width of the front yard immediately adjacent to the 10 foot peripheral landscape strip. For example, if a structure is built to the maximum height of 55 feet, seaward of the CCCL, three feet of green space shall be added to the 10 foot peripheral landscape strip, resulting in a 13 foot green space setback along the entire width of the front yard.

j. Height limits for accessory structures are specified under (k) of this Code.

(8) Building Setback Calculation. The Overlay District shall be exempt from the requirements of the Waterfront Property Code. In the Overlay District, stepped setbacks shall be required to preserve open vistas on Manasota and Sandpiper Key by limiting the height and size of structures in the Overlay District. The stepped setback was designed to eliminate the need for variances tied to roof overhangs, balcony rails, and other side building features, as well as to allow flexibility for architectural designs. For single family construction, gambrel and peaked roofs are encouraged.

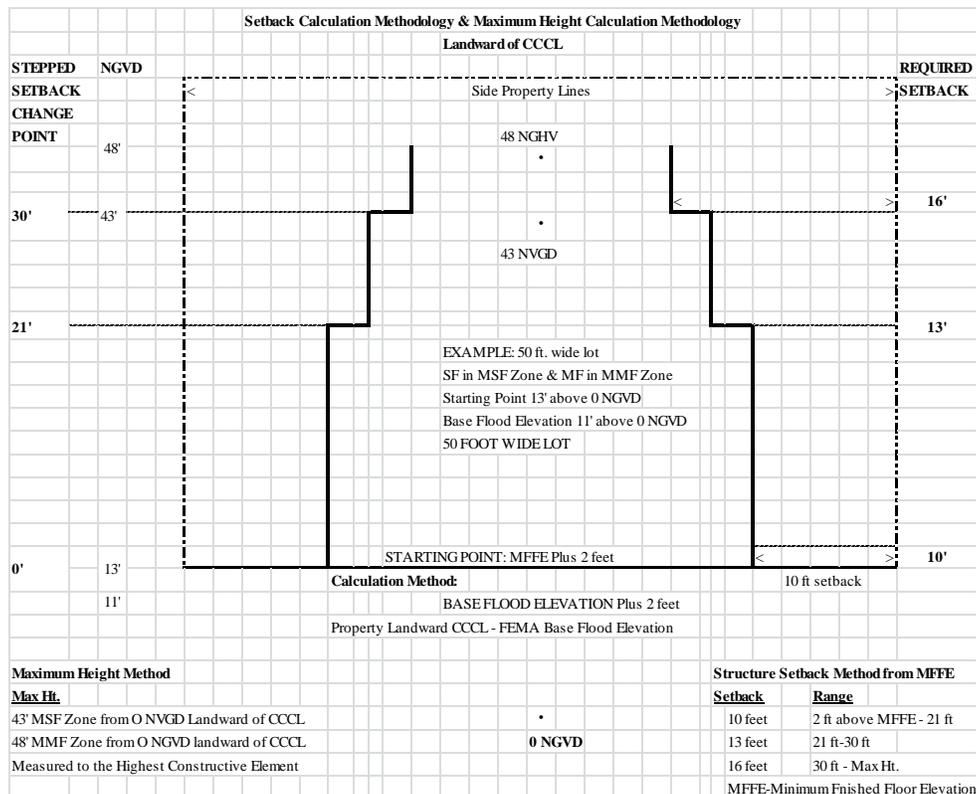
a. The following specific stepped setback requirements and calculations shall be applied:

- i. Structures shall be set back from the property lines not less than the minimum required yards in this Overlay Code. No structure shall be located within 50 feet of the shoreline of the Gulf of Mexico. Structures shall be setback from other water bodies not less than the minimum required by this Overlay Code.
- ii. Stepped setbacks, regardless of actual building elevation required by the Federal Emergency Management Agency (FEMA) or Florida Department of Environmental Protection (FDEP), shall be calculated as follows: In FEMA-governed zones starting at two feet above the minimum lowest floor elevation or Base Floor Elevation (BFE) to the top of the highest constructive element. In FDEP V-Zones, starting at 30 inches above the least horizontal shore parallel structural member (LHSM) to the top of the highest constructed element.
- iii. Setback distance shall be calculated by measuring the horizontal distance from the lot line to the minimum setback at a specified height from two feet above the minimum finished floor elevation (MFFE), as specified in the table below:

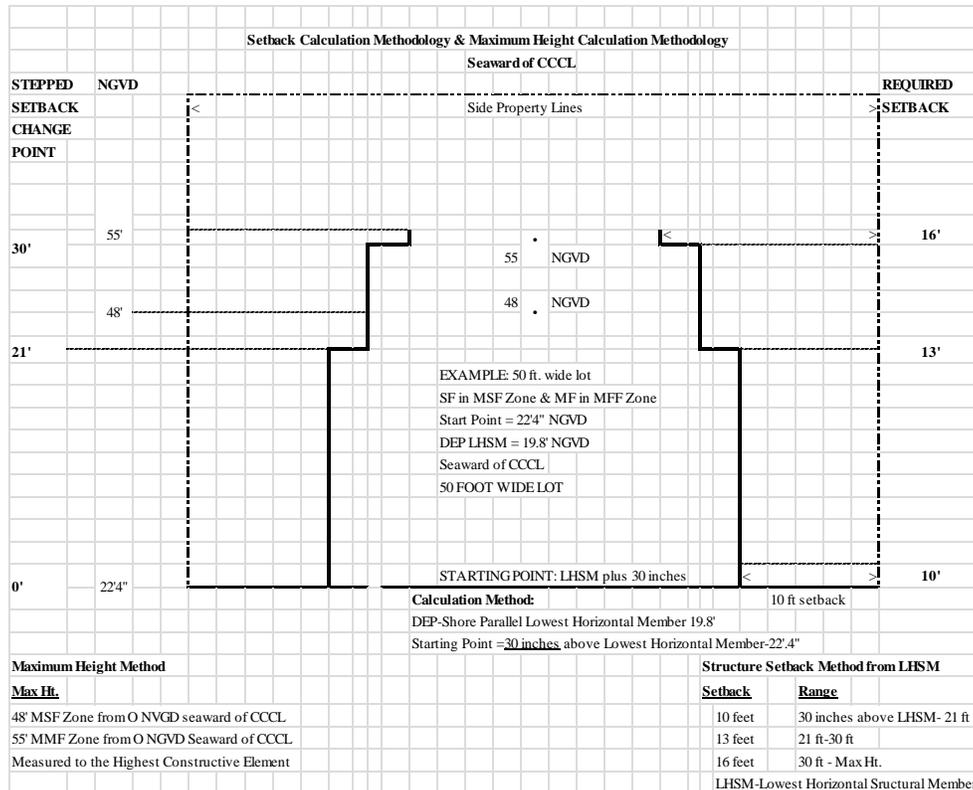
Minimum Yard Setback (feet)	Setback - Starting Point is two feet above BFE or 30 inches above LHSM
(Horizontal Setback Distance)	(Vertical Height Stepped Setback Range)
Yard Setback Minimum	Two feet above BFE or 30 inches above LHSM to 21 feet above Starting Point

Yard Setback Min. Plus 3 feet	21 feet to 30 feet above starting point
Yard Setback Min. Plus 6 feet	30 feet above starting point to maximum height cap depending on the Zoning District and CCCL

- iv. No encroachments shall be allowed within the building setbacks as calculated herein, except “guttered roof overhangs” and sunshades may extend two feet into the setbacks at each stepped setback. For multifamily development on lots 50 foot wide or less, the stepped setback may be reduced to from 16 feet to 15 feet on one side only, exclusively to accommodate an elevator shaft or stairwell.
- v. No building may be constructed seaward of the CCCL unless a permit has been issued by the State.
- vi. All principle structures on the same development site, except single-story accessory structures, shall have a minimum structure-to-structure setback equal to the height of the taller structure: For this purpose, height of the structure being measured from finished floor elevation to the peak of the roof. No structure shall exceed the maximum building height limit in their zoning district.
- vii. Stepped setback requirements apply to all setbacks (front, side and rear).



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(9) Peripheral Landscape Strip. Peripheral landscape strips are required on all lots within the Manasota and Sandpiper Key Overlay District. All properties, conforming and nonconforming, shall have front, side interior and rear interior peripheral landscape Strips of no less than 10 feet from the property line. Peripheral landscape strips shall be located immediately adjacent and parallel to all sides of a lot boundary. All peripheral landscape strips shall be green open areas. A 10-foot wide green open area with a vegetated landscape strip along the entire 10-foot perimeter is required and intended to screen and separate new development or improvements to existing development from adjacent existing development and from the public right-of-way. Vegetated landscaping means grass, ground cover, mulch, shrubs, vines, hedges, or trees. Pavement, sand, shell, rock, and aggregate shall not be considered approved landscape material for the 10-foot peripheral landscape strip, except that clean shell and native beach shell may be used in lieu of mulch around shrubs. No encroachments shall be allowed within the 10 feet peripheral landscape strip including but not limited to structures, accessory structures, AC units, driveways, parking areas, pools and pool accessories, electrical equipment, signage, stormwater management systems, and holding tanks. Neither a structure nor any portion thereof shall be erected or shall encroach or overhang upon the required peripheral landscape strip. The only exceptions shall be:

- a. Dune walkovers, sidewalks and driveway crossovers, where permissible.
- b. Fences.

- 1 c. Guttered roof overhangs that may extend two feet into the Peripheral landscape strip, only on
- 2 lots 50 feet wide or less.
- 3 d. Sunshades that may extend two) feet into the Peripheral landscape strip only on lots 50 feet
- 4 wide or less..
- 5 e. For non-conforming multifamily lots 50 feet wide or less, the owner may request an
- 6 administrative waiver of up to 20% of the side setback (two feet on each side) to redress
- 7 hardships associated with meeting driveways and parking requirements for multifamily
- 8 development. Waiver limits are as follows: No portion of the waiver areas shall be used for
- 9 habitable space, for an increase in building envelope of livable area from the first floor to the
- 10 highest constructed element or be permanently enclosed or roofed, and; the waiver request
- 11 must document need for additional space exclusively for parking and driveway use that does
- 12 not increase the livable space envelope and offers the least invasive design option regarding
- 13 encroachment into the side Peripheral landscape strips.

14 **(10) Yard setbacks.** Yard setbacks, greater than 10 feet Peripheral landscape strip, shall be required
15 for structures based on zoning district minimum yard requirements, abutting properties, abutting
16 water, and building height requirement of the Overlay Code. No primary structures shall be allowed
17 to encroach within the greater yard building setback area, however appurtenances and mechanical
18 equipment for the primary structure, which are typically allowed within required yards may be
19 located within the greater yard setback. Accessory structures, parking, and driveways may be
20 located within the greater yard building setback area as long as County Codes and the Overlay
21 Code district standards and architectural standards are met.

22 **(11) Accessory Structures.** No accessory structures or uses, other than fences shall be allowed within
23 the 10 –foot peripheral landscape strip. All accessory structures must conform to the side and rear
24 setback requirements of the appropriate zoning district as well as the stepped setback
25 requirements of this Overlay Code; exceptions are specified under Section (h)(13)g) above.
26 Detached permanent garages must conform to the front setback requirements of the appropriate
27 zoning district. All other accessory structures must be located behind the leading edge of the living
28 area of the principal structure. The only exception is on lots 300 feet or greater in depth which may
29 have screened accessory structures located in front of the building façade provided they are
30 located at least 150 feet from the county right of way. Other accessory structure requirements are
31 contained under the Architectural Design Standards below. Multifamily developments when
32 permitted in any zoning district are permitted to contain a clubhouse, recreation room or similar
33 community room to serve the residents of the development.

1 **(12) Nonconforming Lots.** It is the intent of this section to specify provisions of the Overlay Code that
2 supersede the County nonconforming provisions and exceptions to Yards provisions and which
3 sections of the Code remain in place. It is also the intent to include provisions unique to
4 nonconforming lots in the Overlay boundary. Other than the administrative waiver provided for in
5 this Overlay Code, it is the intent that all lots contain a 10 foot peripheral landscape strip.

6 A) Within the Manasota and Sandpiper Key Overlay District, the provisions of the County Code
7 requiring a variance to build on a lot less than 5,000 square feet or less than 50 feet in width
8 shall not apply as long as the building conforms to the requirements for the zoning district in
9 which the lot is located.

10 B) The minimum side yard interior setbacks in all districts for conforming and nonconforming lots,
11 including lots less than 5,000 square feet shall be 10 feet. The only exception is provided for
12 under the administrative waiver procedure for MMF and MCT-residential lots in this Overlay
13 Code. In these cases, documentation shall be provided to indicate why the administrative
14 waiver is warranted, and an administrative variance shall be not granted in addition to the
15 administrative waiver.

16 C) The variance provisions of the Code under 3-9-6.1 provide for relief in hardship cases for
17 nonconforming lots in the Overlay Code. The administrative variance under 3-9-6.1 (g) shall not
18 be permitted for side yard variances which result in a side yard of less than 10 feet, and the
19 provisions contained in Sec. 3-9-10.(c)(3)a. and Sec.3-9-5.3(2) shall not apply when they
20 would result in a side yard of less than 10 feet.

21 **(13) Parking Standards.** For any residential development within the Overlay District, each residential
22 dwelling unit shall provide a minimum of two spaces per unit. Multifamily developments shall
23 provide additional parking spaces for services and guests. Service parking requirements shall be
24 the lowest whole number that is greater than or equal to 10 percent of the number of units
25 contained within the multifamily project. Guest parking requirements shall be the lowest whole
26 number that is greater than or equal to 20% of the number of units contained within the multifamily
27 project. At least one of the guest parking spaces as required by this Section shall be handicapped
28 accessible. Beach access points on the islands shall not be obstructed by parked cars or any other
29 barriers. Parking of unlicensed or unregistered automobiles, recreational vehicles, boats and/or
30 trailers shall be prohibited. Parking standards for commercial structures shall meet the Code
31 requirements.

32 **(14) Disaster Recovery.** Following a natural disaster, as determined by the Board, multifamily
33 developments that are nonconforming due to their density may be rebuilt with no increase in
34 square footage, so long as they comply with as many other development standards of this Overlay

1 Code as possible, while still allowing the overall pre-disaster density which existed to be retained.
2 In redevelopment of the site, first priority shall be given to establishing the peripheral landscape
3 strip, to the greatest extent possible. Documentation shall be provided to indicate where a
4 particular development standard cannot be met.

5 **(15) *Underground utilities.*** Electrical wires that connect poles with structures shall be placed
6 underground.

7 **(16) *Spot ground elevations.*** The spot ground elevations for new development and for reconstruction
8 that exceeds 50 percent of the replacement value of an existing structure shall be established prior
9 to any clearing of the site by a signed and sealed survey prepared by a surveyor licensed in
10 Florida. There shall be a minimum of one spot elevation per site, with additional spot ground
11 elevations provided at every one foot of elevation change within the site.

12 **(17) *Density on barrier islands.*** There shall be no transfer of Density Units into Manasota and
13 Sandpiper Key from other areas of the County. Transferring density between Manasota Key and
14 Sandpiper Key is prohibited. In addition to the requirements set forth in the County's Transfer of
15 Density Units Code, the transfer of Density Units within Manasota Key or Sandpiper Key shall not
16 be used contrary to the intent of the Manasota Community Plan and shall comply with the following
17 criteria:

- 18 A) Density Units from Category I Hurricane Storm Surge zone cannot be transferred into a
19 Tropical Storm Surge zone; and
- 20 B) Density Units from an AE Flood Zone cannot be transferred into a VE flood zone; and
- 21 C) No transfers of density from a less to a more restrictive flood zone; and
- 22 D) All development standards set forth in this Section shall apply.

23
24 **(k) Architectural Design Standards.**

25 **Applicability.** These architectural design standards shall apply to all new development within the
26 Overlay District, including but not be limited to new development, new structures and to any
27 alterations or additions to existing structures. These standards shall regulate the appearance and
28 constructive elements of structures and be used in addition to those expressed elsewhere in this
29 Overlay Code.

30 **(1) Driveways and Parking Areas and Walkways/Sidewalks**

- 31 a. No driveway shall exceed 24 feet in width where it connects with the roadway.
- 32 b. In MES and MSF Districts, only one driveway crossing is permitted within the front yard setback.
33 In MMF Districts, one driveway crossing allowed every 300 feet within the front yard setback.

- c. New private roads and parking and driveways, and those where 50 percent of their original area is repaired or replaced shall be paved with crushed shell, stone, brick, or other pervious materials, to improve drainage and runoff in a manner that will permit maximum water absorption. Pervious surfacing must be on a bed of sand designed and installed in a manner that will permit water absorption through the joints and the sand bed. New asphalt and concrete (porous or nonporous) shall be prohibited. Concrete walkways are permitted only when ADA compliance is required. Parking lot, driveway, patio and pool pavers shall be subject to Advisory Committee review. When pavers are installed, the contractor must provide a letter certifying that the pavers are pervious and that the pavers will be installed to maximize on-site water absorption. Developments built before 2008 that have asphalt driveways, are exempt from the pervious surface requirements of the Section when repairing or replacing their asphalt driveways, though encouraged to address runoff issues associated with driveways.
- d. Walkways are permitted within the peripheral landscape strip only when they are necessary to comply with the Americans with Disabilities Act. Asphalt paving is prohibited. This requirement shall not apply to areas under the footprints of approved structures.
- e. Stepping stones are permitted.
- f. Driveways shall not encroach upon the side peripheral landscape strip. Corner lots may have one driveway crossing off either street but not both.
- g. Entry walkways shall be clearly defined and shall not encroach upon the 10 foot side peripheral landscape strip.
- h. A single dune walkover per lot, where applicable, is permitted.

(2) Building and Facade Materials and Design

- a. All facades, excluding doors, windows, and trim, shall be improved and constructed with one or a combination of the following materials: i. Masonry, although unfinished and exposed concrete block is prohibited; ii. Wood; iii. Stucco; iv. Vinyl. All additions shall be required to resemble material uses on the existing structure on the same property.
- b. No reflective materials are permitted on building facades.
- c. All wall openings on traditional buildings, including but not limited to windows, doors, balconies, and alcoves are required to have trim installed according to the following standards: a. Trim shall resemble wood, masonry stone, stucco, or tile; b. Reflective finishes are prohibited.
- d. All buildings shall have a clearly-defined entrance with numbers facing the street.
- e. Garage doors shall be flush or recessed with the front facade or recessed so as not to dominate the architectural design and appearance. Garage door height is limited to ten feet.
- f. Roofs shall be constructed, maintained, and repaired according to the following standards:

- 1 i. Roofs shall be made of non-reflective materials. Skylights or other glass roof surfaces shall
- 2 be limited to 5 percent of the roof and not located on the front of the building.
- 3 ii. Roof materials shall resemble non-reflective metal, wooden shingles, “dimensional” asphalt
- 4 shingles, barrel tile, concrete tile, or slate, and roof additions shall be required to resemble or
- 5 material uses on the existing structure on the same property.
- 6 iii. Flat roofs shall be exempt from all preceding roof material standards provided a parapet or
- 7 mansard wall is used to screen the roof and rooftop equipment. Parapets and mansard walls
- 8 must conform to the height limits.

9 **(3) Architectural Accents**

- 10 a. Chimneys must be vertical, and must conform to the height limits.
- 11 b. Awnings shall be permanently affixed and shall have a minimum clearance of eight feet above
- 12 any sidewalk and 18 feet above any driveway on commercial properties.
- 13 c. Gutters shall resemble or match the building trim or primary facade color. Gutters shall not
- 14 cause water to accumulate on neighboring properties or directly upon driveways, sidewalks, or
- 15 walkways.
- 16 d. The space between the first floor of a building and the ground shall be screened with lattice or
- 17 breakaway walls. Lattice or breakaway walls shall be used specifically to conceal
- 18 appurtenances placed below the first floor and the ground, and shall be the same pattern and
- 19 appearance as the outside of the structure, and shall be permanently affixed to the principal
- 20 structure and be constructed of vinyl or painted wood.
- 21 e. All structures shall post address numbers on the front façade in a location either by the entrance
- 22 or garage door, or signage easily visible and legible from the adjacent roadway.
- 23 f. Sunshades shall be permanently affixed and shall be retractable for use as hurricane shutters
- 24 providing they meet County and State Code.

25 **(4) Lighting Fixtures, Structures, and Elements**

- 26 a. All outside lighting fixtures shall be installed consistent with the Sea Turtle Lighting standards.
- 27 b. Fixtures for lighting areas shall follow a consistent theme.
- 28 c. Light posts shall be installed consistent with the following standards:
- 29 i. Light posts shall be constructed and installed to resemble wood, polished concrete, or painted
- 30 metal.
- 31 ii. Unfinished or unpainted metal and concrete surfaces and untreated wooden posts are
- 32 prohibited.
- 33 iii. Light posts on private property shall not exceed 16 feet in height.

- d. Outside lighting fixtures shall be installed to orient light downward and to provide glare reduction optics and shielding features. No fixture shall direct light upward or onto adjacent property. (Exemptions shall include small accent lights that are directed upward to softly illuminate landscaping.)
- e. Light globes shall not protrude below shades.

(5) Fencing and Walls

- a. Chain link fencing is prohibited. Coated chain link fencing may be used to enclose tennis courts and swimming pools. In such cases, the fence shall be replaced at the first signs of wear or rust. A coated chain link fence may also include tennis fence netting. Temporary security fences for construction sites installed for six months or less shall not be required to be coated chain link fencing.
- b. Concrete block walls must be split-faced or finished, and capped. Unfinished concrete block is prohibited.
- c. Wood fences must be constructed of pressure-treated lumber to prevent deterioration and rot.
- d. Solid walls and fences on or near the periphery of a lot must contain openings that may be used by wildlife. These openings must be at least nine inches wide and six inches high and must be located every 25 feet along the bottom of the fence or wall.
- e. Fences and walls that abut a body of water shall not exceed four feet in height for portions that extend beyond the building facade that faces the body of water.
- f. Fences and walls shall not exceed six feet of height, measured from the finished grade of the parcel.
- g. Fences and wall forward of the front building facade shall not exceed four feet in height.

(6) Accessory Structures. In addition to the accessory requirements contained under the development standards above, accessory structures must meet the following architectural design standards:

- a. The total area of accessory structures shall not exceed one-half the footprint of the principal structure or 1,000 square feet, whichever is greater, and shall not exceed the maximum lot coverage allowed by zoning district when combined with area of the principal structure. Owners of lots greater than one acre in area may apply for a Special Exception to exceed the maximum lot coverage standard.
- b. Metal buildings or temporary structures such as awnings or carports are not permitted. Accessory structures must be built with materials designed to withstand salt and high winds.
- c. Garage or storage structures over 250 square feet in area must be compatible in appearance and materials with the principal structure.

- 1 d. Sheds, gazebos, cabanas, and decks must be located behind the front building façade, and
2 may not be located within the peripheral landscape strips. The only exception is on lots 300 feet
3 or greater in depth which may have screened accessory structures located in front of the
4 building façade provided they are located at least 150 feet from the County right of way.
- 5 e. Roofing materials must resemble or be complimentary to the materials used on the principal
6 structure.
- 7 f. Gazebos, detached garages, and detached screened pool enclosures may not exceed 15 feet
8 in height from finished grade. All other accessory structures may not exceed 10 feet in height.
- 9 g. Swimming pools, hot tubs, spas, and other water features and their decks shall be installed and
10 constructed consistent with the following standards:
 - 11 i. Swimming pools are limited to one vertical accessory including but not limited to slides and
12 diving boards. Vertical accessories shall not exceed eight feet in height. Swimming pools
13 and pool equipment shall not be located within the peripheral landscape strips.
 - 14 ii. Above-ground exterior swimming pools, hot tubs, and spas are prohibited. Exterior
15 swimming pools, hot tubs, and spas must be permanently installed in the ground or within a
16 masonry foundation.
 - 17 iii. Portable spas must be modified to conform to these standards.
- 18 h. Air conditioning and heating units must be installed consistent with the following standards:
 - 19 i. Units must be screened from off-site view.
 - 20 ii. Consideration must be given to avoid impacts to adjacent properties.
 - 21 iii. Mechanical equipment shall be expressly prohibited from being considered for a variance or
22 special exception.
- 23 i. Pool equipment and propane tanks of 250 cubic feet or greater shall be screened from off-site
24 view.
- 25 j. Miscellaneous accessory structures must be constructed consistent with the following
26 standards:
- 27 k. Ramps, where required, must be concealed with landscaping to the greatest extent possible,
28 and must blend with the scale and architectural features of the structure.
- 29 l. No accessory structures shall be permitted within the 10 feet peripheral landscape strip.
- 30 m. Above roof appurtenances on Commercial Buildings shall be screened from view.
- 31 n. New Dumpsters shall be stored and screened within an enclosed area, not in front of the
32 leading edge of the building façade. Waste receptacles, garbage and trash containers shall be
33 screened from off-site view and meet all other County code requirements. All existing dumpsters

1 that cannot be moved to meet the new requirements shall be required to be screened with an
2 enclosure that exceeds the height of the Dumpster.

3 **(7) Commercial and Multifamily Buildings**

4 In addition to the above architectural design standards, all commercial and multifamily buildings must
5 also conform to the following standards:

- 6 a. Primary building entrances must be oriented towards adjacent roadways.
- 7 b. Loading docks and delivery vehicle parking areas should be located to the rear and side of the
8 building. To the greatest extent possible, these elements should not be placed between the front
9 building facade and the roadway.
- 10 c. Drive-through facilities are prohibited.

11
12 **(I) Landscaping**

13 Landscaping on Manasota and Sandpiper Key shall be subject to the provisions and standards of the
14 Overlay Code. In addition to such standards, all landscaping on the Manasota and Sandpiper Key shall
15 be installed, repaired and maintained consistent with the guidelines in this Section.

16 (1) A landscaping plan is required to be submitted to the Advisory Committee with or prior to the
17 application for approval for all new development and modifications to existing structures that exceed
18 fifty percent of the total structure's assessed value.

19 (2) The landscape plan must be drawn to scale with dimensions, distances and scale, and shall identify
20 the type and location of existing and proposed vegetation and other landscape features including
21 the proposed green vegetation in the peripheral landscape strip, the landscape plan for the yards,
22 as well as all easements, building structures, accessory structures, stormwater retention, and
23 similar features.

24 (3) The proposed plantings in the peripheral landscape strip shall meet the objectives to screen and
25 separate new development or improvements to existing development from adjacent existing
26 development and from the public right-of-way. Vegetated landscaping means grass, ground cover,
27 mulch, shrubs, vines, hedges, or trees. Pavement, sand, shell rock, and aggregate shall not be
28 considered approved landscape material for the 10-foot peripheral landscape strip, except that
29 clean shell and native beach shell may be used in lieu of mulch around shrubs.

30 (4) Developers shall meet the one tree point per 2,000 square feet of development site. A "buy-out"
31 option from this requirement shall be prohibited. On nonconforming lots less than 5,000 square feet,
32 a minimum of two tree points shall be required.

33 (5) Foundation plantings shall be installed around buildings to soften their appearance from offsite
34 view.

1 (6) Peripheral landscape strips and yard areas shall be treated with Florida friendly landscape material.

2 (7) Commercial buildings and multi-family residence requirements, in addition to be requirements
3 above:

4 a. A landscaping plan, signed and sealed by a landscape design professional, shall be submitted
5 with all new construction and/or modifications to existing structures that exceed fifty percent of
6 the total structure's assessed value.

7 b. Parking lot areas shall be screened with low fencing and/or landscaping whenever such areas
8 abut public rights-of-way, existing residential uses, or property zoned for residential use. One
9 tree is required for every 35 feet of perimeter landscape strip abutting a public right-of-way.

10 **(m) Signs Standards**

11 (1) Applicability. These regulations are intended to complement the County Sign Code and address the
12 limited amount of area available to promote the business on the key. Any sign on Manasota &
13 Sandpiper Key that is erected, constructed, installed, altered or moved shall conform to the
14 provisions of the Overlay Code. Any inconsistencies between the Overlay Code and any other
15 building, electric codes adopted by the County, the most restrictive shall apply.

16 (2) General Provisions for Signs on Manasota and Sandpiper Key.

17 a. Private and temporary signs shall not be placed in the roundabout nor shall they be placed on
18 any public right of way, including along Beach Road, Gulf Boulevard, or North Beach Road, and
19 shall not exceed four square feet.

20 b. Single-faced signs shall be painted black on the back side.

21 c. All new free-standing signs shall be monument signs. Maximum height of monument signs shall
22 be four ft. above the crown of the road. Eight inch street names and number may be placed on
23 top of these monument signs.

24 d. Traffic or other directional sign, symbols or devices relating to traffic, parking, public services,
25 facilities or warnings shall be painted black on the rear when visible to the general public and be
26 mounted on decorative poles. Whenever a traffic or way finding directional sign is erected on
27 public right of way for the benefit of or upon request by a private development or individual, the
28 sign shall be paid by the project requesting or benefiting from the sign and be on decorative
29 poles paid by them.

30 e. No sign including an exempt sign shall be constructed, erected or interferes with any utility,
31 communication, cable or storm water infrastructure.

32 f. All temporary signs and flags shall be removed in the event of a tropical storm, hurricane and
33 flood warnings.

34 g. Flags shall not be placed in the public-right-of-way.

- 1 h. Non advertising directional signs, symbols or devices related to traffic, parking or warnings on
2 private property: entrances, exits, slow, no trespassing or no parking shall not exceed three
3 square feet.
- 4 i. Political signs shall be limited to four square feet and be remove in 10 days after the election
5 and may be erected no more than 45 days prior to election.
- 6 j. Murals and wall art shall not be calculated as sign area if they do not contain text or logos. All
7 wall art visible from the abutting or adjacent road right-of-way shall be reviewed for approval by
8 the Advisory Committee to ensure that wall art visible from the road shall be in character with
9 the coastal setting.
- 10 k. Two-sided signs with the same face on each side shall be calculated on only one side. With
11 respect to a double-faced (back-to-back) sign, there can be no separation between the backs of
12 each face of the sign other than the structural support to which each sign is attached.
- 13 l. Normal maintenance to existing conforming signs shall not be deemed alterations within this
14 Overlay Code.
- 15 m. Dedicatory tablets or memorial plaques setting forth the name or erection date of a building,
16 commemorating a person or persons and like uses shall be cast in metal or engraved in stone
17 or concrete or otherwise inscribed in or on a monumental material, not to exceed four square
18 feet.
- 19 n. No signs shall be exempt from obtaining a permit on Manasota and Sandpiper Key.
- 20 o. Sign area shall be calculated as the area within the smallest regular geometric shape or
21 combination of shapes which encompasses all the display elements (letters, numbers, figures,
22 characters, corporate logos, etc.) of the sign, including blank areas between display elements.
23 The area of the sign shall include all changing copy features such as letter boards or light
24 boards. Only the eight inch street names and numbers placed on top of non-residential signs
25 shall not be calculated as part of the total allowed square footage.

26 (3) Residential Signage

- 27 a. Single Family units and multifamily complex– one freestanding temporary yard sign that does
28 not exceed 12 by 18 inches. For example, for garage or property sale, lease or rent. An
29 additional sign of 12x18 inches which is located in their yard on a navigable body of water shall
30 be allowed facing the water.
- 31 b. One sign denoting the architect, engineer or contractor for work under construction, not
32 exceeding four square feet.
- 33 c. Multi-Family units shall be treated as a single unit with the exception of:

- i. Multifamily developments may have one community sign per 300 foot of road right-of-way and street name. Eight inch street names and numbers may be placed on top of these signs.
- ii. Community signs shall be monument signs, limited to four foot in height and 16 square feet in area. Community signs shall include eight inch street numbers.
- iii. Community signs may be two-sided providing each side is exactly the same and will count as only one side for sign allocation, and shall not contain any form of advertising.
- iv. Community signs shall not be located in the side peripheral landscape strip area.
- v. Residential signs may not be internally lit. Community signs may have low level ground –up lighting providing the light does not illuminate above or beyond the sign. All lit signs must comply with the County sea turtle lighting code and must provide two copies of the lighting plan to the County.
- vi. Multifamily communities may have one building wall or fence sign instead of a monument sign. Wall and fence signs shall be limited to 16 square ft. and shall include the 8 inch street numbers. Wall signs shall not be located above the peak of the roof or highest constructive element. Wall signs shall not project horizontally beyond the building wall.
- vii. Vacant property may have one sign of 16 square feet.

(4) Nonresidential Signage

- a. Each unit is allowed a sign allocation of 60 square feet. Free standing signs must be monument signs. Sign allocation may be flexible where monument signs are inappropriate due to parking viability requirements.
- b. Each unit is allowed one monument primary sign not to exceed 25 square feet. Non- residential primary signs shall include street name and numbers of eight inches in height and may contain movable lettering. Eight inch street names and numbers may be placed on top of these signs. These street names and number shall not be calculated as part of the total allowed square footage.
- c. Monument primary signs may be two-sided providing each side is exactly the same and will count as only one side for sign allocation. No portion of any monument sign shall be allowed to encroach onto a private walkway or driveway or within the public right-of-way.
- d. Each unit may have one building sign that does not rise above the peak of the roof or highest constructive element and does not project horizontally beyond the end of the building wall. Building signs are limited to 32 square feet per sign. The sign allocation for each property combined between wall and free standing sign shall be 60 square feet. No portion of any wall sign shall be allowed to encroach onto a private walkway or driveway.
- e. Monument signs shall not be located in the peripheral landscape strip.

- 1 f. Wall signs shall not be located on the side or rear of a building which abuts to a residentially-
2 zoned property.
- 3 g. Changeable copy signs are limited to a maximum of eight sq. ft. per sign face with a maximum
4 letter height of eight inches and shall be included in the sign allocation. Sign face may be
5 illuminated with low level internal lighting that does not create a problem for our turtle friendly
6 neighborhood.
- 7 h. Only in MCG & MCT commercial zoning districts may existing pole or pylon signs installed
8 before February, 2005 be replaced, and only when parking will obscure sign face of a
9 monument signs.
- 10 i. Banners, pendants, feather flags and sail flags in MCG & MCT commercial zoning districts, so
11 long as they are sited on private property and do not fly over the public right of way, sidewalks
12 or streets, and no more than one of these per 50 foot of frontage. No more than one of these
13 allowed per 50 foot of frontage with a maximum of two per business property, and each banner,
14 pendant, feather, flag and sail signs shall be no greater than 24 square feet, provided they may
15 be flown no more than two times per calendar year and for no more than 30 days per permit.
16 National and state flags are excluded from this requirement.
- 17 j. Vacant property may have one sign of 16 square feet.

18 (5) Prohibited signs

- 19 a. Neon, chasing, animated or flashing signs
- 20 b. Signs that emit an audible sound or visible matter such as smoke or steam
- 21 c. Billboards
- 22 d. Portable illuminated signs, whirling signs, animated signs, or wind signs.
- 23 e. Temporary signs placed on sidewalks or bike paths.
- 24 f. Signs above the roof or mansard of the building.
- 25 g. New pole or pylon signs, except as provided in (4)(h) above.
- 26 h. Any sign prohibited by state or federal law.
- 27 i. Any sign creating a traffic hazard by obstructing vision in any sight triangle.
- 28 j. Any sign from preventing free ingress or egress from any door, window, fire escape or other
29 entrance or exit to any building, or any sign attached to a standpipe or fire escape.
- 30 k. Any sign that is obscene, such as a sign depicting nudity or sexual conduct.
- 31 l. Any sign that constitutes a public nuisance, such as signs that produce hazardous amounts of
32 glare, advertise an illegal activity, convey false information, or lead the public into errors of
33 conduct, thought or judgment, especially by intentionally deceiving.
- 34 m. Any sign that emits a sound, smell or smoke.

- 1 n. Any sign that has been abandoned, including primary signs, unless the signs panel within the
- 2 abandoned sign structure has been removed and replaced with a sign panel or neutral color
- 3 containing no message.
- 4 o. Any sign designed with mechanized or electric changeable copy to display more than one
- 5 image on an ongoing basis where any information flashes, fades, dissolves, or scrolls or signs
- 6 that move or create the illusion of movement, or signs that are or appear to be animated or
- 7 projected.
- 8 p. Any sign affixed to a tree or utility pole.
- 9 q. Portable signs which are manifestly designed to be transported as a trailer, on its own wheels
- 10 even where the wheels may be removed and the remaining chassis may be permanently
- 11 attached to the ground.
- 12 r. Primary signs with a noncommercial message.
- 13 s. Any off-premise sign.
- 14 t. Any vehicular sign located on a truck, bus, trailer, taxi or other vehicle used for the purpose of
- 15 advertisement on private property or on the public right of way. The only exception is a vehicle
- 16 used as transportation for the owner or employee of the business that is moved daily on and off
- 17 the property.

18 (6) Street Signage. Traffic or other directional, way finding or traffic control signs or devices erected by
19 any federal, state or local government shall be mounted on decorative poles and the back of the sign
20 shall be painted black. Whenever such signs are for the benefit of or upon request by private
21 development the sign and pole shall be paid by the project requesting or benefiting from the
22 sign. Channel poles are not permitted.

1 **Sec. 3-9-51. Babcock Overlay Zoning District**

2 **(a) General**

3
4 (A) *Establishment; Short title.* The Babcock Overlay Zoning District is hereby established. The short title
5 of this section shall be the "Babcock Zoning Code."

6
7 (B) *District Boundary.* The area affected by this Babcock Overlay Zoning District shall be the area as
8 shown in the zoning atlas.

9
10 (C) *Intent.* The intent of the Babcock Overlay Zoning District ("District") is to establish the regulations for
11 design and development that address the qualities of nature and community that are envisioned for
12 the Babcock Community. The District is intended to accommodate compact development patterns,
13 interconnected open space, native habitat, and recreation. The intended activities within the District
14 include a mix of residential, retail and office commercial, light industrial, civic and educational
15 facilities, open space, parks and recreational and institutional uses.

16
17 (D) *Applicability; Conflict with other Ordinances; Exemptions.* The maximum development within this
18 zoning overlay classification is controlled by the Development of Regional Impact Master
19 Development Order, Incremental Development Orders and the comprehensive plan. All new
20 development and future redevelopment within the District shall be subject to these regulations. The
21 terms development and redevelopment shall be construed liberally and shall include any plat, special
22 exception, variance, site plan approval, building or sign permit, or any other official action of Charlotte
23 County that has the effect of permitting development and/or redevelopment or any application for any
24 of the preceding matters. Except where expressly provided herein, the terms of the Babcock Zoning
25 Code shall supersede and control in the event and to the extent of a conflict between the Babcock
26 Zoning Code and another provision of the County Code. Due to the unique circumstances of the
27 property, the following specific exemptions are granted:

28
29 1. Landscape and Tree Requirements. Approximately 7,725 acres within the District are to be
30 developed, the majority of which were agricultural lands at the time of adoption of this Babcock
31 Zoning Code, and over 5,700 acres within the District are to be preserved, the majority of which
32 are wooded. This results in 5,975,492 Removal Tree Points and 32,002,479 Preservation Tree
33 Points (not including Palmettos and Wax Myrtles). Due to the unique circumstances of the
34 property and the excess of Preservation Tree Points, all development within the District is exempt
35 from the County tree removal permit process and Article XVIII of Chapter 3-5, Landscaping and
36 Buffers requirements of the County Code and Article IX of Chapter 3-2, Tree Requirements, of
37 the County Code. The Landscape Requirements of the Babcock Zoning Code provided herein
38 are applicable.

39
40 (E) *Use of Pattern Books for Development.* Pattern Books may be submitted to define development
41 parameters and design standards applicable within a defined site, area or subdistrict to establish
42 some or all of the governing design parameters and standards, which may constitute waivers of
43 submittal requirements and deviations, including but not limited to: setbacks, building heights,
44 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
45 coverages, and standards for roadway design and rights-of-way. Approval of Pattern Books shall be
46 issued by the Zoning Official or designee (Zoning Official) upon finding that standards, waivers, and
47 deviations are consistent with public health, safety and welfare. An amendment to an approved
48 Pattern Book may be requested at any time, to be approved by the Zoning Official. Approval of
49 Pattern Books and Pattern Book amendments shall not be unreasonably withheld, and if approval is
50 not granted by the Zoning Official within 30 days of submittal, the Pattern Book shall be subject to

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1 review and approval by the Board of County Commissioners. Where standards defined in an
2 approved Pattern Book conflict with provisions of the Babcock Zoning Code or the County Code, the
3 Pattern Book shall apply. Development in areas that are not subject to a Pattern Book shall be
4 governed by the standards and provisions set forth in this Babcock Zoning Code.
5

6 (F) *Existing Uses.* The Babcock Zoning Code shall not render an existing use, including, but not limited to
7 mining, silviculture, agriculture and sod farming, on a parcel as nonconforming, even if such existing
8 use is not a principal use or a permitted accessory use in the applicable subdistrict. Any such
9 existing use shall not be considered nonconforming, and may be continued and expanded with
10 appropriate permitting as required.
11

12 (G) *Establishment of Subdistricts.* The following subdistricts are established to allow for different forms of
13 development within the District, as depicted on the Babcock Overlay Zoning District - Subdistrict Map:
14

- 15 • Mixed Use Residential Commercial (MURC)
 - 16 • North Babcock
 - 17 • Greenways
- 18

19 **(b) Definitions**

20
21 Terms used in this Section shall have their commonly accepted meaning unless they are defined in (b).
22 When terms are defined both in this Section and elsewhere in the County Code, definitions for such terms
23 in this subsection shall control. The following terms shall have the meanings set forth in this subsection:
24

25 *Agriculture uses:* Agriculture uses within the District includes such uses as agricultural production (crops,
26 citrus, landscape nursery, ranching, livestock raising and animal specialties, pasture, sod and grazing);
27 silviculture, agricultural services, cultural, educational and/or eco-tourism uses and support facilities and
28 their related modes of transporting participants, viewers, or patrons; tour operations, such as, but not
29 limited to airboats, swamp buggies, horse and similar modes of transportation; agricultural labor housing;
30 excavation and earthmoving incidental to agricultural operations; farm products warehousing and storage;
31 single-family detached dwelling unit; forestry; hunting; riding stables; research facilities; non-commercial
32 kennels; telecommunication towers; outdoor shooting ranges; and aquaculture.
33

34 *Alley:* A right-of-way providing a secondary means of access and service to abutting property. For
35 purposes of determining setbacks or required yards, the lot line along an alley is never a front lot line.
36

37 *Building height:* The vertical distance measured from the greater of: (1) the FEMA first habitable floor
38 elevation requirement, (2) 18 inches above the elevation of the average crown of the adjacent roads; or
39 (3) the average natural grade (the natural contours of a land area generally unaltered by human
40 intervention) to the highest point of a flat roof, the deck line of a mansard roof, or the mean height
41 between the eaves and ridge of a gable, hip or gambrel roof.
42

43 *Civic, government, and institutional uses:* Structures developed for and/or used by established
44 organizations or foundations dedicated to public service or cultural activities including, but not limited to,
45 the arts, education, government and religion.
46

47 *District:* shall mean the Babcock Overlay Zoning District.
48

49 *Eco-Tourism:* The practice of touring natural habitats and support facilities thereof in a manner meant to
50 minimize ecological impact. Eco-tourism is considered a commercial enterprise located in an agricultural
51 or preservation area intended to attract tourists and provide supplemental income for the property owner.

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1 Eco-tourism uses include, but are not limited to: transient guest lodging, hunting, nature trails, canoeing,
2 fishing, wildlife observation, and birding.

3
4 *Encroachments:* Physical structures that reach into or above a required yard or a right-of-way or roadway
5 easement. Encroachments are not allowed unless identified as permissible.

6
7 *Guest unit, accessory:* An accessory dwelling which is attached to or detached from a principal dwelling
8 located on the same residential parcel and which serves as an ancillary use providing living quarters and
9 which may contain kitchen facilities. Accessory guest units are not considered dwelling units for purposes
10 of density.

11
12 *Pathway:* A defined corridor within the District's overall transportation network designed to accommodate
13 pedestrians and other alternative modes of transportation.

14
15 *Parking lot:* An outdoor area or space, paved or unpaved, designed and constructed for the purpose of
16 motor vehicle parking or storage. A driveway that does not contain or provide access to delineated
17 parking spaces is not a parking lot.

18
19 *Pattern book:* A set of development parameters and design standards applicable within a defined site,
20 area or subdistrict to establish some or all of the governing design parameters and standards, which may
21 constitute waivers of submittal requirements and deviations, including but not limited to: setbacks,
22 building heights, building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot
23 sizes, coverages, and standards for roadway design and rights-of-way.

24
25 *Setback:* The minimum distance between a right-of-way line, property line, bulkhead line, shoreline,
26 seawall, ordinary high water line (OHWL), access easement line or other defined location whichever is
27 the most restrictive, and the beginning point of the buildable area. Setbacks may be measured from the
28 legal boundary of a lot and are inclusive of easements with the exception of easements that comprise a
29 road right-of-way. For purposes of determining setbacks, the lot line along an alley is never a front lot
30 line.

31
32 *Transient guest lodging:* A building or group of buildings operated for commercial purposes, and therefore
33 not considered residential units for purposes of density, in which sleeping accommodations and sanitary
34 facilities are offered to guests and intended for use on a daily or weekly basis, irrespective of the form of
35 ownership, and which may include kitchens in each unit.

36
37 **(c) Subdistricts within the Babcock Overlay Zoning District**

38
39 (A) *Mixed Use Residential Commercial (MURC).* The MURC Subdistrict shall be the most diverse
40 subdistrict, with a full range of uses to support a live, work, shop, play environment. The MURC
41 Subdistrict may include residential, commercial, recreational, civic, industrial, and mixed uses. The
42 MURC is to be developed according to a Town Center, Village and Hamlet framework that is further
43 defined by Pattern Book. Buildings may be single or multi-use. Parking shall be provided on-street,
44 off-street, and within parking structures.

- 45
46 1. *Permitted Principal Uses and Structures.* Permitted principal uses within the MURC Subdistrict
47 include any and all uses not listed as prohibited uses in (d)(C), including, but not limited to:
48 commercial businesses and services, retail, office, civic, education (elementary, middle, high
49 schools, colleges and universities), institutional, light industrial and manufacturing, mining,
50 earthmoving, nurseries, essential services, single family and multifamily residential, assisted living
51 facilities, continuing care retirement communities, transient guest lodging including hotel, motel
52 and bed and breakfast, home occupations per (d)(K), parks, recreation, manufacturing,

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distribution, wholesale, warehouse, processing and packaging, laboratories and clinics, research, design and product development. Mixed use buildings and single use buildings are permitted. Any use not listed may be deemed permitted by the Zoning Official by a finding that the use is reasonable according to the intent of the subdistrict; similar to another permitted use in the subdistrict; and not specifically prohibited in the subdistrict.

2. *Permitted Accessory Uses and Structures.* Permitted accessory uses and structures include all uses that support or relate to principal uses, including accessory guest units that are attached or detached in conjunction with single family residential dwellings, except as otherwise prohibited herein.

3. *MURC Development Standards.*

Table 1. MURC Development Standards						
Land Use	Min. Lot Area (sq. ft.)	Min. Setbacks (ft.)(1)			Max. Height (ft.)	Min. Off-street Parking Spaces (per DU for residential or per 300 s.f. for non-residential) (10)
		Front	Side	Rear		
TOWN CENTER						
RESIDENTIAL						
Single-family, Detached	3,000	10 (5)	5 (2)	4	45	1
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	10	4	100	1-1.5 (9)
MIXED-USE/ AMENITY/SCHOOL(4) (11)						
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	5 (2)	4 (12)	100	1-1.5 (9)
Mixed Use	1,000	10 (5) (7)	5 (2)	4 (12)	140	1 (9)
Non-residential	1,000	10 (5) (7)	0 (3)	4 (12)	140	1
VILLAGES						
RESIDENTIAL						
Single-family, Detached (Small Lots)	3,000	10 (5)	5 (2)	4	45	1
Single-family, Detached (Large Lots)	4,000	10 (5)	5 (2)	4	45	1
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	10	4	100	1-1.5 (9)
VILLAGE CENTER (11)						
Single-family, Detached (Small Lots)	3,000	10 (5)	5 (2)	4	45	1
Single-family, Detached (Large Lots)	4,000	10 (5)	5 (2)	4	45	1
Single-family, Attached or Two-Family	1,000	10 (5)	0 (3)	4	60	1
Multi-family	1,000	10 (5)	5 (2)	4(12)	100	1-1.5 (9)
Mixed Use	1,000	10 (5) (7)	5 (2)	4 (12)	140	1 (9)
Non-residential	1,000	10 (5) (7)	0 (3)	4 (12)	140	1
HAMLETS						
RESIDENTIAL						
Single-family, Detached (Small Lots)	3,000	20 (6)	7.5	20 (6)	45	1
Single-family, Detached (Large Lots)	4,000	20 (6)	10	20 (6)	45	1
Single-family, Attached or Two-Family	1,000	20 (6)	0 (3)	20 (6)	60	1
Multi-family	1,000	20 (6)	10	20 (6)	60	1-1.5 (9)

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Table 1. MURC Development Standards						
Land Use	Min. Lot Area (sq. ft.)	Min. Setbacks (ft.)(1)			Max. Height (ft.)	Min. Off-street Parking Spaces (per DU for residential or per 300 s.f. for non-residential) (10)
		Front	Side	Rear		
NEIGHBORHOOD CENTER (8)						
Non-residential	No less than the min. lot area of the smallest abutting lots	Equal to the smallest of the adjacent lots	10	20	45	1
Mixed Use	No less than the min. lot area of the smallest abutting lots	Equal to the smallest of the adjacent lots	10	20	38	1 (9)

Notes:

- (1) Unless otherwise noted, setbacks apply to principal and accessory structures. Structures will comply with sight distance requirements. Building separation shall be at least 10 ft., subject to access requirements for emergency services and fire code.
- (2) May be reduced as long as sum of side setbacks is 10 ft. minimum.
- (3) Setback applies to interior lots. If not connected to an adjoining structure, side setback is 5' which may be reduced as long as sum of side setbacks is 10 ft. minimum.
- (4) Schools are exempt from this setback table, school development is according Charlotte County School District policy.
- (5) Encroachments into front yards are allowed for porches, stoops, awnings, colonnades, or other elements that serve as transition from the public to the private realm.
- (6) It must be demonstrated that driveways can accommodate space for parking for at least two vehicles on the driveway without overhanging onto the adjoining sidewalk, or onto vehicle travelway where no sidewalk exists. If on-street parking spaces are available in the right-of-way within 300 ft., on-street parking may substitute for driveway parking.
- (7) Building entrances are required on the primary street.
- (8) Maximum area per use is 3,000 sq. ft. Total neighborhood goods and services permitted in one location is 15,000 sq. ft.
- (9) Multi-family buildings with 2 or less bedrooms per unit shall require 1 space per unit. Multi-family buildings with 3 or more bedrooms per unit shall require 1.5 spaces per unit.
- (10) The amount of required parking may be determined through a parking analysis submitted with a site plan application.
- (11) At the Town Center entries, the shopping and entertainment areas shall be set back a minimum of 100 ft. from the ultimate road right of way of SR 31. For the remainder of the Town Center, the shopping and entertainment areas shall be set back a minimum of 250 ft. from the ultimate road right of way of SR 31. The shopping and entertainment areas of the Villages and Hamlets shall be located in the interior portion of those areas. (Ref. Sierra Club Settlement Agreement Sec. B.8.)
- (12) Encroachments are allowed for structures such as boardwalks, docks, and accessory structures providing views and access to water, subject to approval from agencies with jurisdiction.
 - a. *Encroachments*: The following standards pertain to yard and right-of-way encroachments:
 - i. Yard encroachments. Every part of every required yard shall be open and unobstructed by the principal structure from 30 inches above the ground, as measured from the average elevation of the crown of road along the property frontage. Permissible encroachments into required yards are limited to the following: pool equipment, generators, air conditioning equipment, cornices, overhangs, decorative awnings, gutters, eaves, chimneys, bay windows, balconies, means of egress, and any other structure deemed similar in nature by the Zoning Official. Accessory structures including, but not limited to, refuse containers, loading docks, flagpoles,

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1 play equipment, fences, walls, wires, lights, mailboxes, open air arbors, open air trellises, open
2 air pergolas, open air chickees and outdoor furniture are not considered encroachments and
3 are therefore allowed. Structures less than 30 inches in height, including but not limited to
4 pools, bermed earth, plant materials, driveways and pathways, are not considered
5 encroachments in required yards and are therefore allowed.
6

7 ii. Right-of-way or roadway easement encroachments. Allowable encroachments into rights-of-
8 way or roadway easements are limited to the following: awnings, arcades, colonnades,
9 pedestrian bridges, balconies, planters, outdoor dining, and any other structure deemed similar
10 in nature by the Zoning Official. A minimum 6-foot clear pedestrian way shall be maintained and
11 not obstructed by any encroachment. Encroachments shall maintain a clear distance of 9 feet
12 above the sidewalk and 15 feet above the street measured from the elevation of the crown of
13 the street if the encroachment passes over vehicle travel lanes.
14

15 b. *Density*: Maximum net density for residential is 24 units per acre in Town Center and 16 units per
16 acre in Villages and Hamlets. Accessory guest units, attached or detached, in conjunction with
17 single family residential dwellings are not considered toward density calculations.
18

19 c. *Parking*: A parking needs analysis may be approved by the Zoning Official to determine the
20 appropriate number and location of parking spaces for any use based on characteristics of the
21 use, hours of operation, sound planning principles, shared parking agreements or trip
22 management techniques to be implemented. In the absence of a parking needs analysis, the
23 following number of parking spaces shall be provided on-site, unless otherwise provided:
24

25 i. Single family detached, zero lot line, two-family and single family attached: Minimum of one
26 on-site parking space inclusive of driveways and garage space. One additional parking space
27 is required for an accessory guest unit, which may be on-site or dedicated on-street parking
28 within 300 feet of the unit it serves.
29

30 ii. Multifamily: A minimum of one on-site parking space is required for units with two or fewer
31 bedrooms. A minimum of 1.5 on-site parking spaces is required for units with three or more
32 bedrooms. Additional parking may be provided on-site or as dedicated on-street parking
33 within 300 feet of the unit it serves.
34

35 iii. Non-residential: Non-residential uses shall provide a minimum of one on-site parking space
36 per 300 square feet of gross floor area.
37

38 iv. Mixed use: Mixed use buildings shall provide the total number of parking spaces required for
39 the residential and non-residential occupancies.
40

41 d. *Minimum landscape requirements*:

42 i. General tree planting requirements shall be:

43
44 (a) For every lot, a minimum of one tree shall be planted in the front yard or in the right-of-way
45 in front of the lot; or
46

47 (b) Street trees planted in or adjacent to the right of way with a minimum spacing of one tree
48 every 60 feet on average.
49

50 ii. The following perimeter landscaping requirements apply to development requiring site plan
51 review:
52

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- 1
2 (a) A minimum of one shrub per 10 linear feet of front property line shall be planted in a
3 hedge row or otherwise clustered within the front yard.
4
5 (b) For landscape buffer areas that serve as transition between intense uses and residential
6 uses per (c)(A)3.e.ii, a minimum of one shrub per ten linear feet of property line shall be
7 planted in a hedge row or otherwise clustered in the transitional landscape buffer area.
8
9 (c) Substitution of trees for shrubs is permitted at a rate of 1 tree per three shrubs.
10
11 (d) The location of required plantings may be any of the following: in-ground planting areas,
12 raised planters, or planter boxes.
13
14 (e) In addition to the preceding provisions (a) through (d), wherever a parking lot abuts public
15 rights-of-way along a front property line, a hedge, or durable non-vegetative barrier, or
16 combination thereof, at least three feet in height, shall be placed along the entire length of
17 the front property line, except within sight triangles. Wherever non-vegetative barriers are
18 employed, one shrub or vine shall be planted for every eight linear feet, distributed evenly
19 or in clusters.
20
21 iii. Parking area requirements: For parking constructed of impervious material, planter islands
22 shall be constructed to interrupt rows of parking. The maximum number of parking spaces
23 between planter islands is 15 spaces. Minimum dimension for a planter island is nine feet.
24 Each planter island must contain at least one tree maintained with a minimum six feet of clear
25 trunk measured from the ground up. Planter islands are not required for parking constructed
26 of pervious material.
27
28 e. *Standards specific to Mixed Use and Non-residential uses:*
29
30 i. Loading docks and refuse containers and facilities shall generally be placed to the rear or side
31 yard of the building. Refuse containers shall be hidden by an opaque wall or fencing of
32 sufficient height to screen the bin and any appurtenances, but not less than five feet in height.
33 Walls shall be constructed of a material compatible with the principal structure it is serving.
34 Trash containers serving nonresidential uses shall be screened from view from abutting
35 residential property, but refuse area enclosures are not required to be gated or otherwise
36 closed off.
37
38 ii. *Transition of Intensity.* Transition between intense uses (including industrial, manufacturing,
39 distribution, repair shops, car washes, wholesale, warehouse, processing and packaging,
40 mining, laboratories and clinics, research, design and product development, and gas stations)
41 and residential uses should be addressed through building orientation, site design, landscape
42 buffering or the placement of less intense uses to provide transition, such as commercial, office,
43 civic, institutional, governmental or recreation.
44
45 (B) *North Babcock Subdistrict.* The North Babcock Subdistrict is envisioned to be an educational and
46 recreational center with uses that represent a long-term preservation and development plan. The
47 subdistrict is intended to provide opportunities for the public to explore and enjoy ecosystems and
48 natural resources.
49
50 1. *Permitted Principal Uses and Structures.* Permitted uses within the North Babcock Subdistrict
51 include: Caretakers and operating staff quarters; Eco-tourism lodge; Sports lodge; Hunting club;
52 Transient guest lodging; Environmental education and research center (excluding bio-genetic

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1 research on animals and/or plants); Riding stables; Equestrian facility and accessory uses;
 2 Recreational Vehicle (RV) Park; Youth camp; Open storage for vehicles, recreational vehicles
 3 (RVs), boats, trailers, recreational equipment, and similar items; Civic; Institutional; Schools;
 4 Churches; Agricultural; Conservation Areas and associated boardwalks, observation decks,
 5 restroom facilities, and paved or unpaved trails including trails to accommodate multi-modal
 6 transit, such as golf carts or other electric vehicles; Land management activities including but not
 7 limited to, hunting, ecological burning, ecosystem restoration, hydrologic restoration, transportation
 8 and utility crossings, stormwater management, habitat restoration, earthmoving and other similar
 9 uses; Alternative Energy Use: alternative energy and ancillary facilities including, but not limited to
 10 support offices; Maintenance facilities to support the uses found in this section; Community
 11 infrastructure uses and facilities, including utilities and fill storage, stock piling, and clearing; Parks;
 12 Cell towers; Temporary uses customarily associated with development such as sales centers and
 13 modular buildings; Commercial uses which are customarily associated with the uses permitted
 14 within the subdistrict. Any use not listed that is deemed by the Zoning Official to be reasonable
 15 according to the intent of the subdistrict; similar to another permitted use in the subdistrict; and not
 16 specifically prohibited in the subdistrict per (d)(C).

17
 18 2. *Permitted Accessory Uses and Structures.* Permitted accessory uses and structures include all
 19 uses customarily incidental to principal uses and structures.

20
 21 3. *North Babcock Development Standards*

22

Table 2. North Babcock Development Standards					
NORTH BABCOCK					
Land Use	Min. Lot Area (sq. ft.)	Min. Setbacks (ft.) for Principal and Accessory Structures			Max. Ht. (ft.)
Non-residential	10,000	25	10	25	60

23
 24 a. *Yard Encroachments:* Every part of every required yard shall be open and unobstructed by the
 25 principal structure from 30 inches above the ground, as measured from the average elevation
 26 of the crown of road along the property frontage, except for the following encroachments
 27 permitted to extend into the required setback a maximum distance of 50% of the required
 28 setback: pool equipment, generators, air conditioning equipment, cornices, overhangs,
 29 decorative awnings, gutters, eaves, chimneys, bay windows, balconies, means of egress, and
 30 any other structure deemed similar in nature by the Zoning Official. Accessory structures
 31 including, but not limited to, loading docks, refuse containers, flagpoles, play equipment,
 32 fences, walls, wires, lights, mailboxes, open air arbors, open air trellises, open air pergolas,
 33 open air chickees and outdoor furniture are not considered encroachments and are therefore
 34 allowed. Structures less than 30 inches in height, including but not limited to pools, bermed
 35 earth, plant materials, driveways and pathways, are not considered encroachments in required
 36 yards and are therefore allowed.

37
 38 b. *Parking and Loading:* The following parking and loading standards apply in the North Babcock
 39 Subdistrict:

40
 41 i. *Number of Off Street Parking.* A parking needs analysis may be approved by the Zoning
 42 Official to determine the appropriate number of parking spaces for any use based on
 43 characteristics of the use, hours of operation, sound planning principles, or trip management
 44 techniques to be implemented. In the absence of a parking needs analysis, a minimum of
 45 one off-street parking space inclusive of garage space shall be provided per:

- 46 (a.) lodge unit
- 47 (b.) caretaker quarters unit

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- 1 (c.) riding stable
- 2 (d.) every 10 recreational vehicle (RV) spaces
- 3 (e.) every six campsites
- 4 (f.) 400 square feet of assembly use
- 5 (g.) 1,000 square feet of equestrian facility.
- 6
- 7 ii. Parking Surface Material. Gravel, shell, and other permeable surface materials are
- 8 encouraged for the North Babcock Area. Paving is permitted in areas that otherwise, without
- 9 paving, would create a detrimental health, safety, or welfare impact.
- 10
- 11 iii. Loading docks and refuse containers. Loading docks and refuse containers and facilities
- 12 shall generally be placed to the rear or side yard of the building. Refuse containers shall be
- 13 hidden by an opaque wall or fencing of sufficient height to screen the bin and any
- 14 appurtenances, but not less than five feet in height. Walls shall be constructed of a material
- 15 compatible with the principal structure it is serving, but refuse area enclosures are not
- 16 required to be gated or otherwise closed off.
- 17
- 18 c. *Landscaping*: For parking lots constructed of impervious material, planter islands shall be
- 19 constructed to interrupt rows of parking. The maximum number of parking spaces between
- 20 planter islands is 15 spaces. Minimum dimension for a planter island is nine feet. Each planter
- 21 island must contain at least one tree maintained with a minimum six feet of clear trunk
- 22 measured from the ground up. Planter islands are not required for parking constructed of
- 23 pervious material. No other landscaping or tree points are required for development within the
- 24 North Babcock Subdistrict, as the area is surrounded by Greenways which contain preserved
- 25 natural areas.
- 26
- 27 (C) *Greenway Subdistrict*. The Greenway Subdistrict consists of all lands within the overall boundary of
- 28 this District that are not otherwise within the limits of any other subdistrict identified herein.
- 29 Greenways may be environmentally sensitive lands, natural resource areas, or trails. The Babcock
- 30 Overlay Zoning District - Subdistrict Map conceptually depicts four greenway categories (Active,
- 31 Passive, Observation and Corridor) based on functional level of public use and natural resource
- 32 protection.
- 33
- 34 1. *Permitted Principal Uses and Structures*. Permitted uses within all greenways include essential
- 35 services, hunting, passive recreation, ecological burning, ecosystem restoration and hydrologic
- 36 restoration. Permitted activities in each greenway category are described further below:
- 37
- 38 a. Active greenways provide passive and active recreational opportunities. Permitted uses include
- 39 neighborhood parks, picnic areas and playgrounds, camping, equestrian use, boardwalks and
- 40 observation decks, paved trails to accommodate multi-modal transit, such as golf carts or other
- 41 electric vehicles, active parks with ball fields (including restrooms and concession facilities), golf
- 42 courses, education facilities and similar uses. Other permitted activities include nurseries,
- 43 transportation and utility crossings, stormwater management, habitat restoration, earthmoving,
- 44 renewable energy systems and facilities, such as, but not limited to, a solar photovoltaic (PV)
- 45 electrical generation facility or wind generation turbines, and other similar uses. All uses shall
- 46 be designed to minimize impacts to native vegetation, flowways and wetlands as permitted by
- 47 the appropriate state or federal review agency having jurisdiction, if any.
- 48
- 49 b. Passive greenways provide passive recreational opportunities. Permitted uses include
- 50 neighborhood parks, picnic areas and playgrounds, primitive camping, equestrian use, hiking
- 51 trails, boardwalks and observation decks, paved trails and similar uses. Other allowable uses
- 52 may include transportation and utility crossings, stormwater management, habitat restoration,

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1 earthmoving and other similar uses. All uses shall be designed to minimize impacts to native
2 vegetation, flowways and wetlands as permitted by the appropriate state or federal review
3 agency having jurisdiction, if any.
4

5 c. The Corridor greenway is a wildlife corridor between Telegraph Swamp and the Curry Lake area
6 intended to promote the movement of wildlife, and to be protected in perpetuity by an
7 appropriate conservation easement. Permitted uses are limited to passive recreation, hiking
8 trails, boardwalks, observation decks, land management, habitat restoration, earthmoving and
9 similar uses.
10

11 d. Observation greenways consist primarily of native vegetative communities and are largely un-
12 impacted by agricultural activities. Permitted uses are limited to conservation, hiking trails,
13 boardwalks and observation decks, and pathways. Other allowable uses may include
14 transportation and utility crossings, earthmoving and habitat restoration. All uses shall be
15 designed to minimize impacts to native vegetation, flowways and wetlands as permitted by the
16 appropriate state or federal review agency having jurisdiction, if any.
17

18 2. *Minimum Landscape requirements:* No landscaping or tree points are required for projects within
19 the Greenways, as overall the Greenways contain thousands of acres of preserved trees and
20 natural plants.
21

22 **(d) Provisions and Uses Common to the District**
23

24 (A) *Intent.* The provisions of this subsection shall apply to the Babcock Overlay Zoning District. Uses and
25 standards included in this subsection apply throughout all areas of the District.
26

27 (B) *Principal Uses and Structures:* Certain uses and structures are permitted by right throughout the
28 District.
29

30 1. Maintenance facilities, community services, including required infrastructure and public facilities,
31 nurseries, co-op farmland, civic uses, education, research and eco-tourism facilities, agriculture,
32 mining, earthmoving, parks, cell towers, ropes courses, tree houses, utilities, and temporary uses
33 customarily associated with development such as sales centers, models, temporary housing for
34 construction workers are permitted throughout the District.
35

36 2. Babcock Ranch Community Master Development of Regional Impact Development Order is
37 approved for land encompassing the District. State and federal permits are issued for a series of
38 lakes to be constructed within the District. Charlotte County shall issue permits and or permit
39 extensions for those lakes permitted by the state or federal agencies without regard to the
40 limitations contained within the Charlotte County Earthmoving Code, provided that the fill from
41 those lakes currently permitted under EarthSource Mine Permit #07-EX-16, or an extension or
42 modification thereof, may be removed from the District, but those lakes not yet under a County
43 earthmoving permit shall retain the fill material within the District.
44

45 (C) *Prohibited Uses:* Explosives manufacturing, animal slaughterhouses, and sexually oriented
46 businesses.
47

48 (D) *Fill Storage, Stockpiling, and Clearing.*
49

50 1. *Fill Storage:* Fill storage is generally permitted as a principal use throughout the District. Fill
51 material may be transported to and stockpiled upon areas that have been disturbed or farmed or
52 are shown as development areas on an approved site plan or final plat. Following approval of a

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1 site plan, or final plat, development areas including building pads, shall be allowed to be cleared
2 prior to the issuance of the building permits. A re-vegetation bond shall not be required for
3 clearing of development areas included in an approved site plan or final plat.
4

5 2. Stockpile: Stockpile areas shall be designated as one of the following:
6

7 a. Long-term stockpile area defined as a stockpile area to be left in place for a period greater
8 than six months. Such long-term stockpile areas shall be sodded or hydroseeded and erosion
9 control devices installed when such stockpile is not actively in use.
10

11 b. Temporary stockpile area defined as a stockpile area to be left in place for a period of six
12 months or less. Contractor shall employ methods in accordance with Sec. 3-5-95 of the
13 County Code or best management practices to prevent erosion of stockpiles.
14

15 c. Fencing (plastic barricading, silt fence or other similar visible barriers) shall be provided in
16 accordance with applicable state and federal permitting.
17

18 (E) *Setbacks to Water.* For any manmade or natural lake, pond, and stormwater facility within the District,
19 standard setbacks are zero (0) feet; buildings and structures may extend over water.
20

21 (F) *Bulkhead/Retaining Walls.* Bulkhead/retaining walls are allowed as permitted in the Environmental
22 Resources Permit (ERP) process.
23

24 (G) *Fences and walls.* Fences and walls shall be permitted throughout the District. All fences and walls,
25 including refuse or trash container enclosures, are not considered accessory structures and shall be
26 permitted throughout the District. Fences and walls shall be located and constructed in accordance
27 with Sec. 3-9-72 of the County Code except as may be otherwise provided in this Babcock Zoning
28 Code or as approved through a Pattern Book. Fences and walls shall not exceed 12 feet in height,
29 measured relative to the greater of the crown of the adjacent roadway or the adjacent minimum
30 finished floor, as applicable. Fencing and wall materials may be made of wood, vinyl, iron, or masonry
31 products.
32

33 (H) *Landscaping.* Due to the unique circumstances of the property and the excess of Preservation Tree
34 Points, all development within the District is exempt from the County tree removal permit process and
35 is subject only to the Landscape Requirements of the Babcock Zoning Code provided herein.
36

37 (I) *Roadway Sections, Access Standards and Block Length.*
38

39 1. Design of roadways, paths, rights-of-way, or roadway easements shall be according to Florida
40 Greenbook Standards, with deviations and modifications permitted by approval by the County
41 Engineer or approval of a Pattern Book.
42

43 3. The minimum number of access points for vehicular ingress and egress serving a subdivision is
44 one.
45

46 4. Sidewalks are required on at least one side of roadways within the Town Center.
47

48 5. There are no minimum or maximum block lengths.
49

50 (J) *Signs.* All signs shall conform to the following general sign provisions applicable throughout the
51 District:
52

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- 1 1. For signs proposed within a County or State dedicated right-of-way, a right-of-way permit is
2 required.
- 3
- 4 2. Signs are not subject to setbacks, as long as the signs are located so as not to cause sight line
5 obstructions.
- 6
- 7 3. Sign area shall be calculated as the area within the smallest regular geometric shape or
8 combination of shapes that incorporates the advertised use. Only one side of a multi-sided sign
9 shall be calculated as "sign area."
- 10
- 11 4. Sign illumination shall not exceed ten candlepower per square foot, as measured ten feet from
12 the sign. Lights must be shielded from direct view.
- 13
- 14 5. Primary non-residential sign standards. Primary signs include any permanent freestanding or
15 building sign. Primary signs shall not exceed 20 feet in height above the crown of the adjoining
16 roadway. Primary signs may have either digital or mechanical changeable copy, provided the
17 message is not animated and that the message remains static for at least fifteen seconds
18 between cycles. The following primary signs are permitted to be arranged within a cumulative
19 maximum sign area allowance per unit equal to three times the unit's linear feet of right-of-way or
20 building frontage, whichever is greater, not to exceed 750 square feet of signage:
21
- 22 a. Non-residential freestanding signs: Each commercial unit is allowed one sign per roadway
23 frontage, with a sign area not to exceed 150 square feet. For multitenant commercial
24 properties, each individual storefront unit qualifies as a commercial unit, provided that a
25 multitenant parcel shall not be entitled to more than one freestanding primary sign per right-
26 of-way. For properties with multiple right-of-way frontages, signs must be located to provide
27 a minimum separation of 100 feet.
- 28
- 29 b. Non-residential building signs: Each commercial unit is allowed unlimited building signage so
30 long as the cumulative maximum sign area allowance is not exceeded, with no individual
31 building sign area to exceed 300 square feet.
- 32
- 33 6. Secondary non-residential sign standards. In addition to primary signs, the following secondary
34 signs are allowed for each commercial unit:
35
- 36 a. Wall placard – A placard sign affixed directly to an exterior wall or fence with maximum sign
37 area of 24 square feet.
- 38
- 39 b. Projecting – A sign which projects from and is supported by a wall of a building with the
40 display of the sign perpendicular to the building wall, with a maximum sign area of 20 square
41 feet.
- 42
- 43 c. Hanging – A sign attached to and located below any eave, canopy or awning, with a
44 maximum sign area of 12 square feet.
- 45
- 46 d. Awning – A sign or graphic attached to or printed on an awning or umbrella, with a maximum
47 sign area of 20% of the awning or umbrella area.
- 48
- 49 e. Directional, Wayfinding or Educational Signage – A sign that is secured to a base which is
50 built directly upon the ground or mounted on railings or observation decks, with a maximum
51 sign area of 20 square feet, exclusive of the base.
- 52

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1 f. Sandwich Boards – a portable sign comprised of two sign panels hinged together at the top,
2 with maximum sign area of 12 square feet (two faces at 12 square feet each).
3

4 7. Primary residential sign standards.
5

6 a. Boundary Marker: One boundary marker or monument may be located at each corner of
7 neighborhoods or subdivisions to include the name of the neighborhood or subdivision, and
8 the insignia or logo, provided that the sign area, comprising name, insignia and logo, may not
9 exceed 120 square feet and may not exceed the height or length of the monument or
10 structure upon which it is located.
11

12 b. Entrance Signs: A maximum of three ground or wall-mounted entrance signs may be located
13 at a neighborhood or subdivision entrance. Such signs may be used to identify the location of
14 neighborhoods, districts, recreation areas, etc. Sign area shall not exceed 200 square feet,
15 and the sign shall not exceed the height or length of the wall or monument upon which it is
16 located.
17

18 8. Other signs. In addition to the signs listed above, the following other signs are allowed
19 throughout the District:
20

21 a. Temporary Signs: Temporary signs are permitted, including project identification, boundary
22 marker, real estate, sales center identification, and directional signs. Each sign may not
23 exceed 160 square feet in area, and may not exceed 20 feet in height. Temporary signs may
24 remain in place simultaneously with primary signage until the Babcock Charlotte community
25 reaches 99 percent build-out.
26

27 b. Special Event Signs: Special event signs, with sign area not to exceed 32 square feet, may
28 be displayed to announce or advertise such activities as open houses, grand openings,
29 community fairs or programs or charitable, or educational events.
30

31 c. Construction Entrance Signs: Two construction entrance signs may be located at appropriate
32 distances ahead of each construction entrance. Each sign area shall not exceed 20 square
33 feet.
34

35 d. Traffic Signs: Traffic signs such as street signs, stop signs, and speed limit signs may be
36 designed to reflect a common architectural theme. Traffic signs shall meet all FDOT safety
37 standards.
38

39 e. Community gateways shall be considered where the District interfaces with the external
40 community along State Road 31. Community gateway signage shall be approved as part of a
41 Pattern Book.
42

43 (K) *Home Occupations.* Home occupations shall be allowed in conjunction with any residential use
44 subject to the standards provided herein.
45

46 1. Home occupations shall be subordinate and incidental to the primary residential use.
47

48 2. Home occupations shall be conducted by the residents of the principal dwelling unit and not more
49 than one nonresident employee.
50

51 3. Home occupations shall be conducted entirely within a dwelling unit or accessory structure.
52

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- 1 4. No home occupation shall utilize any process or equipment with a potential for creating a
2 life/safety hazard, as may be determined by the Zoning Official or Fire Marshall.
3
- 4 5. The floor area of the home occupation within the principal building shall be limited to 25 percent
5 of the total residential floor area.
6
- 7 6. No merchandise shall be stored on the premises, except such merchandise that can be produced
8 on the premises. Other merchandise may be kept on the premises temporarily prior to
9 distribution to the consumer. No merchandise, goods, supplies, equipment, or materials shall be
10 displayed or stored outdoors.
11
- 12 7. No alterations to the exterior or interior of structures, temporary or permanent, that change the
13 essential residential character of the land or structures on a lot shall be permitted, except that one
14 non-illuminated nameplate or wall placard, not to exceed two square feet in area, may be
15 attached to the building on or next to the entrance.
16
- 17 8. The creation of noise, vibration, glare, fumes, odors, or electrical interference that has an adverse
18 impact on nearby properties is not permitted.
19
- 20 9. The creation of visual or audible interference with any radio, television, phone, or internet
21 connection off the premises, or the creation of fluctuations in line voltage off the premises, is not
22 permitted.
23
- 24 10. The following are not permitted as home occupations: detailing, servicing or repairing of motor
25 vehicles; grooming, treating, boarding or propagating animals, poultry or livestock; production of
26 pornographic material; or the medical care or treatment of persons such as medical practices or
27 nursing facilities (however, home child daycare services, Certified Massage Therapists and
28 licensed psychologists and psychiatrists are allowed).
29

30 **(e) Special provisions for development approval within the District**

- 31
- 32 (A) An inter-departmental review team may be established to ensure orderly consideration of all
33 applications subject to review and to streamline the review process for projects within the District.
34
- 35 (B) Any application for County development permit within the District must be accompanied by
36 documentation of approval by the Master Developer, or its successor or assign, in order for the
37 application to be accepted by the County.
38
- 39 (C) *Subdivision/Construction Plans.* Subdivision — Construction plans and plats shall follow the
40 procedures and authorization provisions of Chapter 3-7 of the County Code, subject to exceptions
41 enumerated herein and modifications and waivers granted through approval of a Pattern Book.
42
- 43 1. Submission, review, and approval of subdivision plats for the project may be accomplished in
44 phases to correspond with the planned development of the property.
45
- 46 2. Construction plans may be submitted, reviewed, and approved concurrently with plat applications.
47
- 48 3. Preliminary and final plat applications may be concurrently reviewed and processed for approval.
49
- 50 4. Determination of the adequacy of public facilities may be stipulated at time of construction plan
51 approval and plat approval on the condition that connection to water and sewer service facilities is
52 demonstrated at time of Certificate of Occupancy.

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1
2 (D) *Assurance of completion of improvements.* Subdivision plats may be accepted if all infrastructure is
3 not constructed, provided that security in the form of a surety or cash performance bond is posted
4 with the Board of County Commissioners and made payable to the County in an amount equal to 110
5 percent of the full cost of installing the remaining required improvements approved by the County for
6 each phase of development. In the event that the improvements are not completed per the applicable
7 Development Agreement, it is understood that: (1) the County may request and/or utilize the full
8 amount of the bond at its sole and absolute discretion, (2) because there are no Third Parties to this
9 agreement, no Third Parties can or should rely on this agreement and/or bond, including but not
10 limited to future lot owners, successor and assigns, and (3) nothing shall be construed as the County
11 voluntarily assuming the obligation to perform any act of construction or maintenance under this
12 Agreement and/or the bond. Upon County acceptance of any portion of the infrastructure, the surety
13 or cash performance bond may be adjusted and renewed at any time at 110 percent of the cost of
14 completing remaining required improvements until completion. The Board may also accept letters of
15 credit or escrow account agreements or other forms of security provided the County Attorney
16 approves the document.

17
18 (E) *Construction trailers, sales centers and model homes.* Model homes, sales centers, sales offices,
19 construction offices, and other uses and structures related to the promotion and sale of real estate
20 shall be permitted as either “wet” or “dry” facilities. A “dry” facility allows for the issuance of a building
21 permit for a structure to be used temporarily under a conditional certificate of occupancy for sales,
22 display and promotion before connections to a central water and wastewater utility are
23 available. “Dry” facilities are not to be occupied by sales staff. Connections to a central water and
24 wastewater utility are required for a “dry” facility to be converted for permanent certificate of
25 occupancy as a dwelling unit. A “wet” facility is equipped with water and wastewater and can be
26 occupied by sales staff and used for sales, display and promotion under a conditional certificate of
27 occupancy. “Wet” facilities may use septic tanks or holding tanks for waste disposal subject to the
28 Florida Administrative Code, and may use potable or irrigation wells. Connections to a central water
29 and wastewater utility are required for a “wet” model home to be converted for permanent certificate
30 of occupancy as a dwelling unit.

- 31
32 1. For each subdivision, the maximum allowable number of model homes is ten or ten percent of
33 proposed dwelling units within the subdivision, whichever is greater.
34
35 2. Both “wet” and “dry” facilities may be constructed upon building permit approval following the first
36 round of County review for plat approval, prior to final plat.
37
38 3. A “wet” facility may be served by a temporary utility system with ultimate connection to the central
39 system. Interior fire protection facilities in accordance with NFPA requirements are required
40 unless a permanent water system is available.
41
42 4. A water management plan shall be provided which accommodates water run-off from the facility,
43 parking areas, access road/driveway and other impervious surfaces.
44
45 5. Site Plan approval is required for sales centers and for “wet” models to function as sales offices.
46 Site Plan approval is not required for single family “dry” models or construction trailers.
47

48 (F) *Site Plan Approval.* The site plan approval process shall follow the procedures and authorization
49 provisions of Sec. 3-9-7 of the County Code, subject to exceptions herein and modifications and
50 waivers granted through approval of a Pattern Book.
51

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 Chapter 3-9. Zoning
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1 (G) *Special Exceptions*. Special exceptions shall be subject to the procedures set forth in Sec. 3-9-6.2 of
 2 the County Code.

3
 4 (H) *Waivers and Deviations*.

5
 6 1. Waivers for relief from submittal requirements may be granted by the Zoning Official through
 7 approval of a Pattern Book or upon request at time of plan or plat application submittal to reduce
 8 the submittal requirements of Chapter 3-7 and Sec. 3-9-7 of the County Code. Once official
 9 copies of federal, state or regional permits and development approval records in effect for the
 10 District are established on file with the Department of Community Development, requirements to
 11 submit copies of those permits or development approvals with plat, construction plan or site plan
 12 applications shall be waived to reduce the waste associated with duplication of multiple copies of
 13 documents as long as they are unchanged, because of the unique nature of the District, which
 14 will develop in a succession of phases, subject to multiple and extensive agency permitting
 15 documents.

16
 17 2. Waivers and deviations may be granted through approval of Pattern Books as authorized in
 18 subsection (a)(E), which may define development and design standards applicable within a
 19 defined site, area, or subdistrict for matters including but not limited to setbacks, building heights,
 20 building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes,
 21 coverages, standards for roadway design and rights-of-way, waiver of submittal requirements,
 22 and deviations. Approval of Pattern Books shall be issued by the Zoning Official upon finding that
 23 standards, waivers, and deviations are consistent with public health, safety and welfare. An
 24 amendment to an approved Pattern Book may be requested at any time by the developer or
 25 applicant authorized by the developer, to be approved by the Zoning Official. Approval of Pattern
 26 Books and Pattern Book amendments shall not be unreasonably withheld, and if approval is not
 27 granted by the Zoning Official within 30 days of submittal, the Pattern Book shall be subject to
 28 review and approval by the Board of County Commissioners. If standards defined in an approved
 29 Pattern Book conflict with provisions of this Babcock Zoning Code or the County Code, the
 30 Pattern Book shall apply.

31
 32 (I) *Summary Phasing Plan*. A Phasing Plan is established to set forth the minimum non-residential
 33 square footage required for the number of dwelling units at the time of issuance of certificate of
 34 occupancy of the last dwelling unit of any particular threshold. The Phasing Plan is subject to
 35 adjustment through the DRI, State, Federal, or local permitting process. DRI Incremental
 36 Development Orders shall establish the detailed phasing of development within the Increment. The
 37 DRI Incremental Development Orders shall determine the amount of residential and non-residential
 38 development allocated within the Town Center, each Village, and each Hamlet, respectively, to
 39 ensure that development is orderly, maximize efficiency of infrastructure, and provide for specific
 40 infrastructure improvements needed to meet prescribed levels of service. The intent is that non-
 41 residential uses will be provided to serve the occupancy of dwelling units.

Table 3. Summary Phasing Plan

Residential Dwelling Units (C/O)	Non-Residential s.f. (Cumulative)* ¹
2,500	10,000
4,000	300,000

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7,000	600,000
10,000	1,000,000
12,000	1,250,000
14,000	1,550,000
16,000	2,000,000
17,870	3,000,000* ²

- 1 *1 – All non-residential square footage is cumulative by Certificate of Occupancy threshold.
- 2 *2 – Non-residential square footage threshold is minimum.
- 3

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1 **Sec. 3-9-51.1 Babcock Community Pattern Book**

- 2 (A) Pattern Books may be submitted to define development parameters and design standards applicable
3 within a defined site, area or subdistrict to establish some or all of the governing design parameters
4 and standards, which may constitute waivers of submittal requirements and deviations, including but
5 not limited to: setbacks, building heights, building orientation, parking, loading, landscaping, lighting,
6 signage, density, intensity, lot sizes, coverages, and standards for roadway design and rights-of-way.
7 Approval of Pattern Books shall be issued by the Zoning Official or designee (Zoning Official) upon
8 finding that standards, waivers, and deviations are consistent with public health, safety and welfare.
9 An amendment to an approved Pattern Book may be requested at any time, to be approved by the
10 Zoning Official. Approval of Pattern Books and Pattern Book amendments shall not be unreasonably
11 withheld, and if approval is not granted by the Zoning Official within 30 days of submittal, the Pattern
12 Book shall be subject to review and approval by the Board of County Commissioners. Where
13 standards defined in an approved Pattern Book conflict with provisions of the Babcock Zoning Code
14 or the County Code, the Pattern Book shall apply. Development in areas that are not subject to a
15 Pattern Book shall be governed by the standards and provisions set forth in this Babcock Zoning
16 Code. Approved Pattern Books shall be available for inspection at the Community Development
17 Department.
18
- 19 (B) The initial Pattern Book, submitted to Charlotte County in July 2014, is hereby approved by the Board
20 of County Commissioners on November 25, 2014.



BABCOCK COMMUNITY

PATTERN BOOK



Prepared by
Johnson
Engineering, Inc.
for Kitson & Partners

Submitted to
Charlotte County
July 2014

PURPOSE OF PATTERN BOOK

This Babcock Pattern Book is a flexible and innovative planning tool that outlines some of the possible parameters for the implementation of development approvals adopted by the Charlotte County Board of County Commissioners through the Development of Regional Impact Master Development Order, Incremental Development Orders, Babcock Community goals, objectives and policies adopted in the Charlotte County Comprehensive Plan, and the Babcock Overlay Zoning District Land Development Regulations adopted in the Charlotte County Land Development Code.

The purpose of this Pattern Book is to provide guiding principles and standards for future development of a project of the scale and breadth of a project like Babcock, which is comprehensively planned to be innovative and forward thinking so that it may not fit all prescribed zoning and regulatory standards that are typically applied to conventional development. This Pattern Book is a tool to depict elements and options to complement and implement the adopted Babcock Overlay Zoning District regulations that may include elements such as setbacks, building heights, building orientation, parking, loading, landscaping, lighting, signage, density, intensity, lot sizes, coverages, and standards for roadway design and rights-of-way.

Due to the nature of a project of this size, scale, and complexity, flexibility to update this Pattern Book can be accomplished through amendments that may be requested at any time by the developer, to be approved by the Zoning Official or designee. The Pattern Book may be amended to offer flexibility that may not be found in County Land Development Regulations. To address smaller areas within Babcock, additional Pattern Books may be submitted and approved by the Zoning Official or designee to define and implement smaller area-specific development plans. The Pattern Book is intended to depict flexibility in design. Final design elements may vary from the illustrative drawings contained herein.



LOCATION

The Babcock Community is located within southeastern Charlotte County in Southwest Florida. The community lies north of County Road 78, south of County Road 74, and immediately east of State Road 31. This Pattern Book is intended for only land lying within Charlotte County, to be known as Babcock.

Babcock contains approximately 13,630 acres. Plans for Babcock are sensitive to the context of the area. The immediate vicinity of the community is rich with natural beauty. Fred C. Babcock/Cecil M. Webb Wildlife Management Area adjoins Babcock to the west. This Area comprises 65,758 acres and is managed by the Florida Fish and Wildlife Conservation Commission. Babcock Ranch "Preserve" adjoins Babcock to the east. The Preserve occupies 73,239 acres in southeast Charlotte County and northwest Lee County. The Preserve is intended to continue operating as a working ranch, with timbering and eco-tourism operations.

Babcock is within the Caloosahatchee River Watershed. Consistent with the context sensitive planning approach for the community, final outfall structures are planned to be placed to deliver water to similar locations to maintain flow patterns.



VISION

Babcock is envisioned to be a well-planned, environmentally friendly community that provides economic development and job growth opportunities alongside diverse natural and recreational experiences for its residents and visitors. The community is intended to include a mix of residential, retail and office commercial, light industrial, civic and educational facilities, open space, parks and recreational and institutional uses.

Regulations and development standards for the project have been created with the goal to create an integrated community that provides for conducive living environments for a diverse population, integrated transportation corridors and greenways that support walkability, land use options that respond to the marketplace and foster economic growth, and preservation of the natural environment. This vision for the community is achieved through the designation of extensive open spaces and greenways, and providing for variety and flexibility in uses, housing types, and transportation choices. The use of Pattern Books will provide flexibility through buildout of the project.



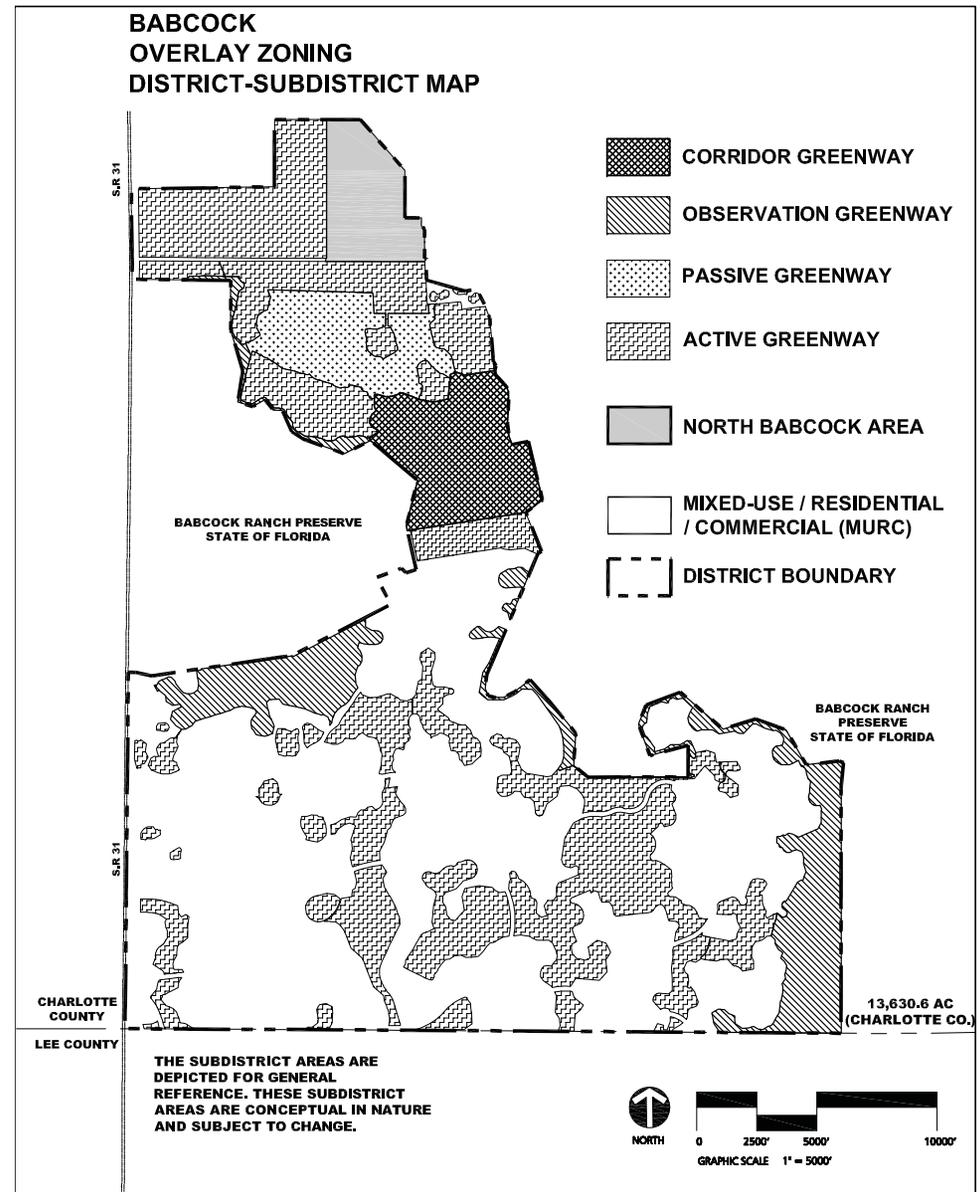
COMMUNITY FRAMEWORK

Babcock is conceived as a master-planned community, built upon a framework that focuses mixed use residential and commercial development in a Town Center, Villages and Hamlets that are tied together with a network of transportation facilities while upholding the quality of critical natural areas and systems.

Standards for residential, commercial, and mixed use development must be flexible to avoid cookie-cutter site design and homogeneous development patterns that are often the result of conventional zoning.

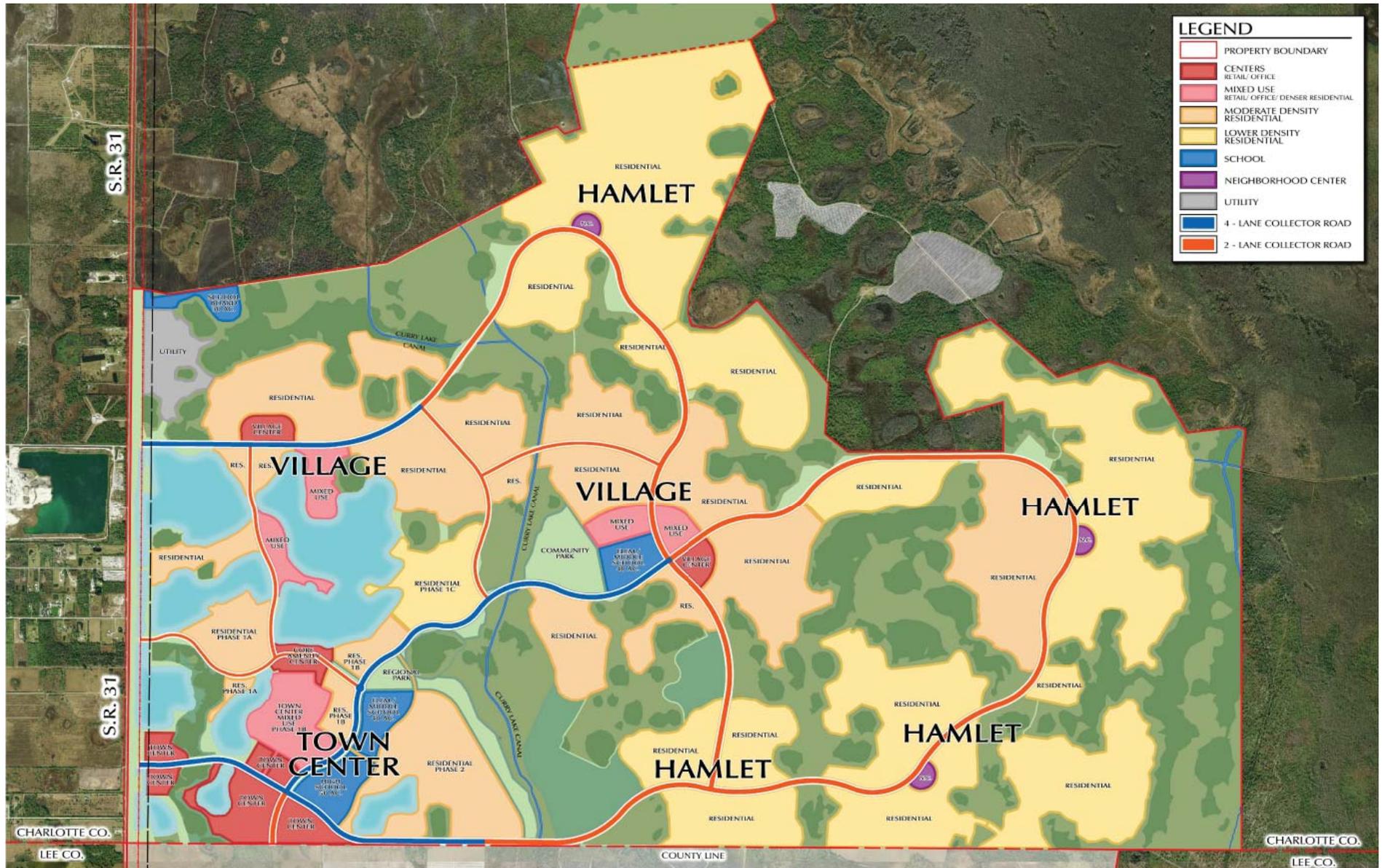
The Babcock Overlay Zoning District is established in the Land Development Code to define the geography, purpose and structure within which development is to be designed and built within the Babcock Community. Subdistricts are defined within those Land Development Regulations to align with Babcock master plan elements:

- Greenways
 - Corridor Greenway
 - Observation Greenway
 - Passive Greenway
 - Active Greenway
- North Babcock Area
- Mixed Use Residential Commercial (MURC)
- District Boundary



Focus Area Plan

The Town Center, Villages and Hamlets are concentrated in the southern MURC area along with greenways that are designed to support natural functions integrated with the built environment.



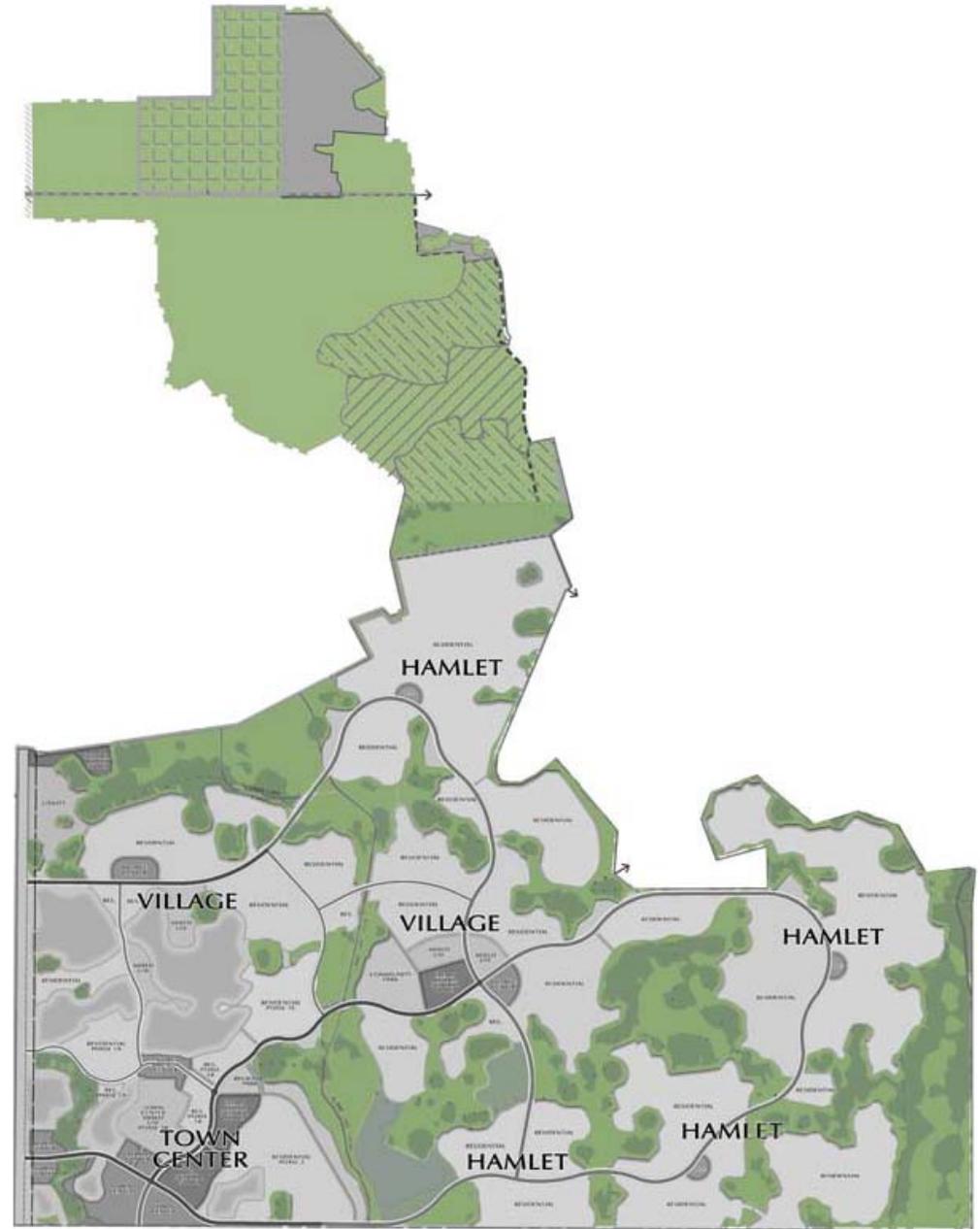
Greenways and **Open Space** are the foundation of the community's design.

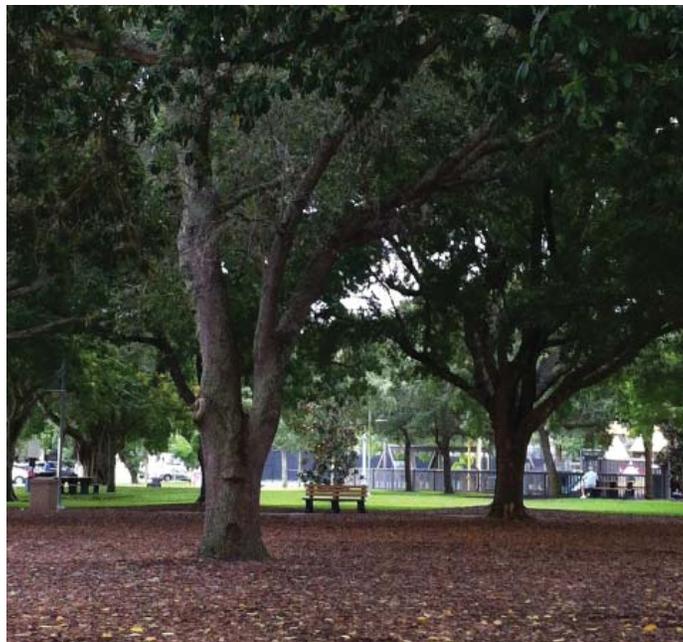
Greenways may be environmentally sensitive lands, natural resource areas, or trails. The Babcock Overlay Zoning District - Subdistrict Map conceptually depicts four Greenway categories based on functional level of public use and natural resource protection. The four categories of Greenways are:

- Active Greenway
- Passive Greenway
- Observation Greenway
- Corridor Greenway

Greenways may be updated with each incremental DRI as required by the Babcock Ranch Community Master DRI Development Order. Greenways offer opportunities for, among other things, agriculture, green energy facilities, passive and active recreation, wildlife corridors, and natural preserves for the residents of Babcock to live in harmony with nature.

Open Space outside of Greenways may include clusters of vegetation, lakes, ponds, trails, bike paths, uplands, wetlands, passive recreation, and active recreation.





Open Spaces outside of Greenways add to community character and quality of life. Open Spaces may be included as integral elements of the built environment that allow for connection to the outdoors in the form of non-residential vegetated green space, parks, lakes and ponds, trails, paths, and upland and wetland areas.

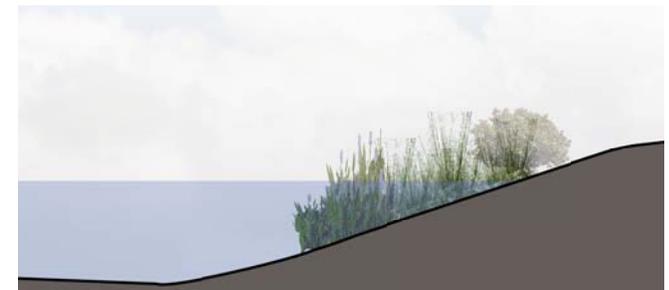


Open spaces may range in size and scale appropriate to the community setting and may include, but are not limited to, the following uses: picnic areas, greenway trails, benches, boardwalks, golf courses, water management systems, biking/jogging/equestrian paths or trails, vita courses, bird-viewing blinds/tower, and interpretive facilities. Portions of parks and recreation facilities used for active recreation such as ball fields, golf courses, and other related recreation uses can be counted toward Open Space but only 50 percent of the area may be utilized for calculation purposes.





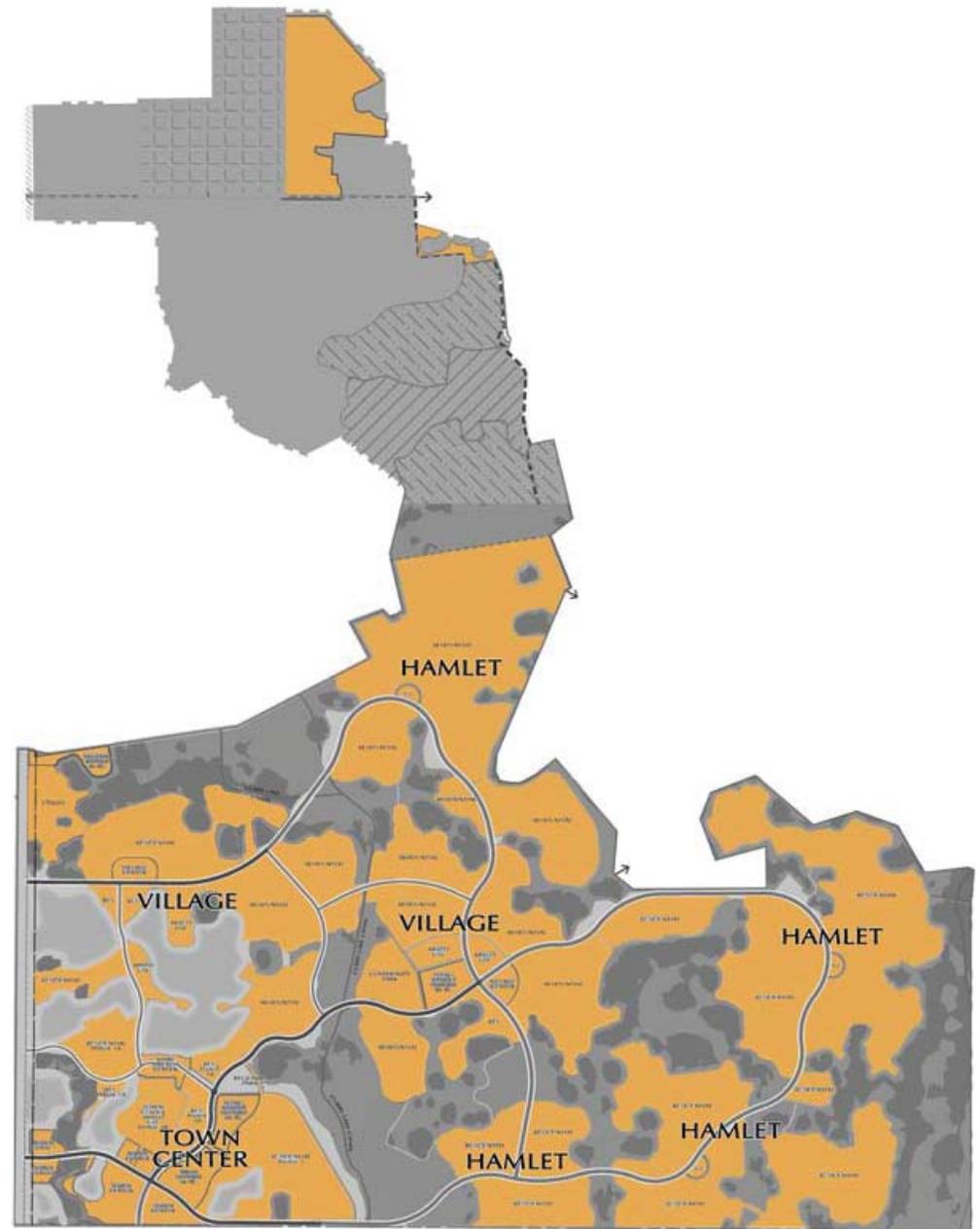
Lakes will be developed for purposes of stormwater management and as aesthetic features where appropriate. Lake design will vary by context, subject to applicable criteria and Water Management District requirements. Lakes in the Mixed Use Residential Commercial (MURC) areas may be designed with littoral zones, grassy banks, or hardened shorelines with materials such as rip rap, geo tube or bulkheading. This variety of lake design and bank treatment will provide for the full spectrum of lake form and function within the community. In locations where littorals are used, shoreline habitat will be enhanced and water quality will benefit through biological treatment. In locations where grassy banks are used, the residents will be able to experience walks along the lake and enjoy waterfront living. In locations with hardened shorelines, the sense of place is enhanced by providing connection between the built environment and the water.



This Pattern Book supplements the Land Development Regulations adopted for the Babcock Overlay Zoning District to implement the development standards for the MURC areas.

The MURC Subdistrict shall be the most diverse subdistrict, with a full range of uses to support a live, work, shop, play environment. Parking shall be provided on-street, off-street, and within parking structures. Buildings may be single or multi-use. The MURC Subdistrict may include residential, commercial, recreational, civic, industrial, and mixed uses. Commercial, civic and mixed use development is encouraged to serve as transition between intense uses such as industrial, warehousing, and distribution and residential uses per provisions of the Land Development Code.

On the following page are standards for the three forms of development anticipated in the MURC areas: Town Center, Villages, and Hamlet.



The Town Center is oriented to serve the cultural, shopping, employment and civic needs of residents of Babcock. The Town Center will also support the surrounding area outside of Babcock.

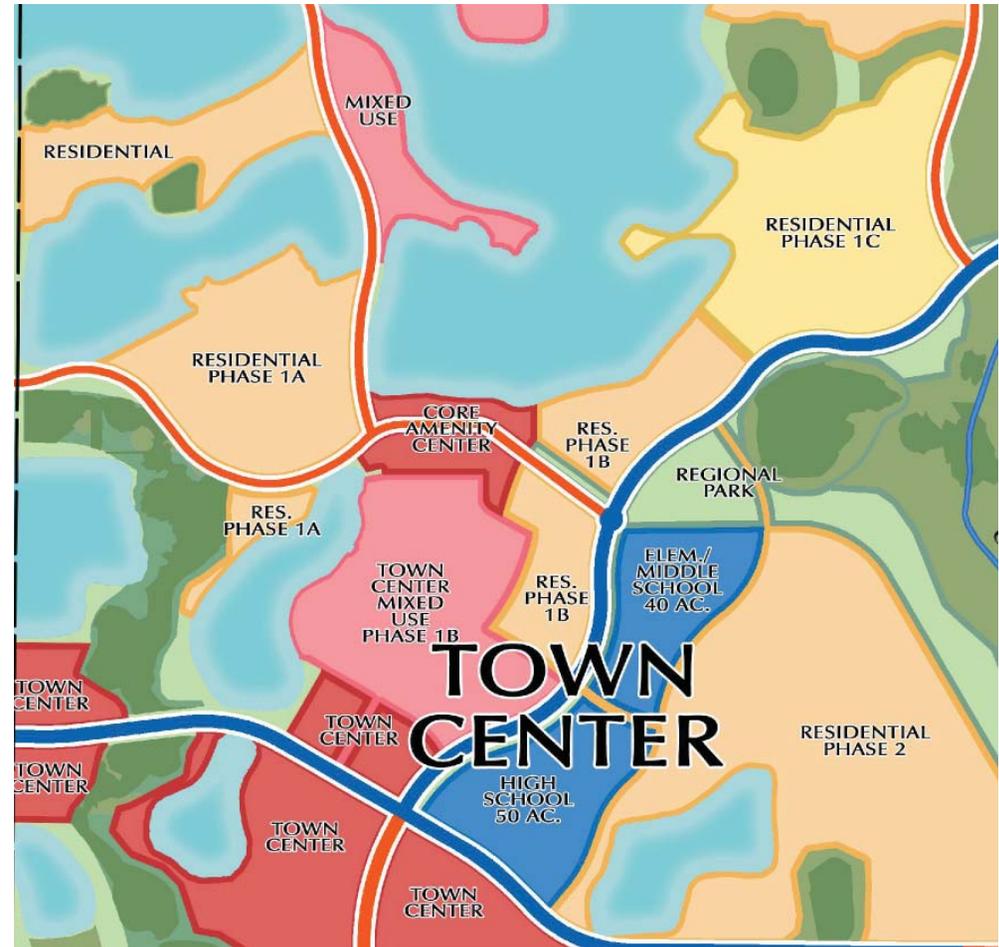
The commercial uses located within the Town Center shall be designed to provide for a safe pedestrian environment and pedestrian access.

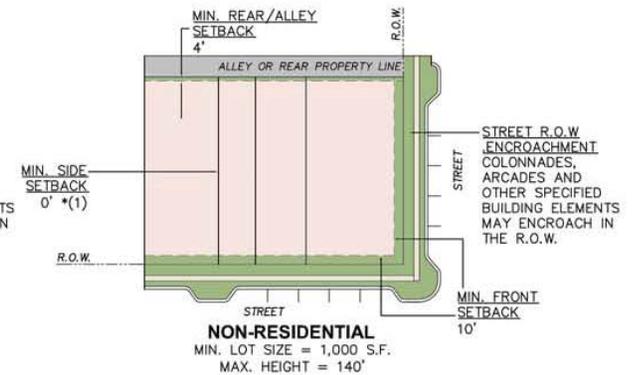
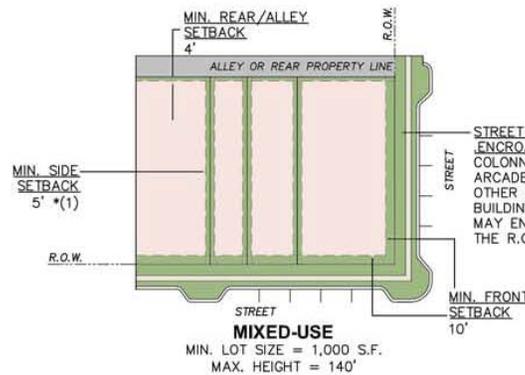
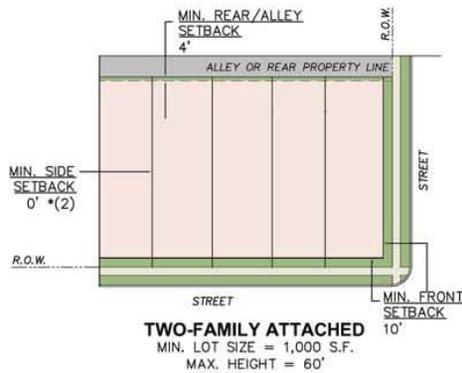
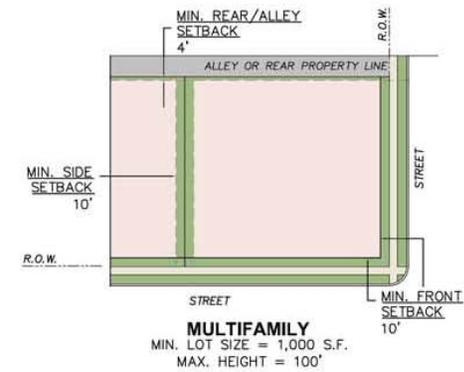
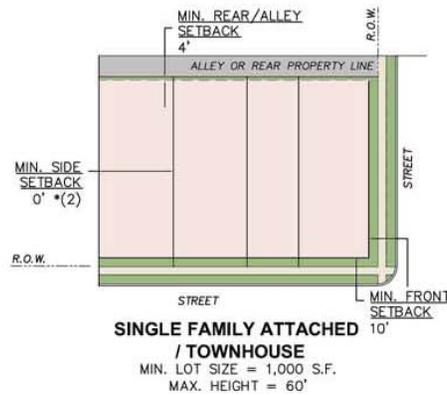
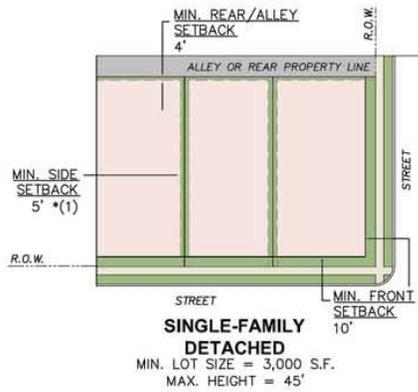
The Town Center shall also include stormwater management lakes and ponds in accordance with State and Federal permitting requirements.

The Town Center will allow a range of public and quasi-public uses including but not limited to educational and cultural facilities, utilities, fire/EMS, police substations, and churches. Co-location of these facilities will consolidate infrastructure and resources in an efficient way that provides convenience to residents.

Centrally located open spaces, whether built or natural, active or passive, will provide a venue for public interaction and vibrant exchange among neighbors.

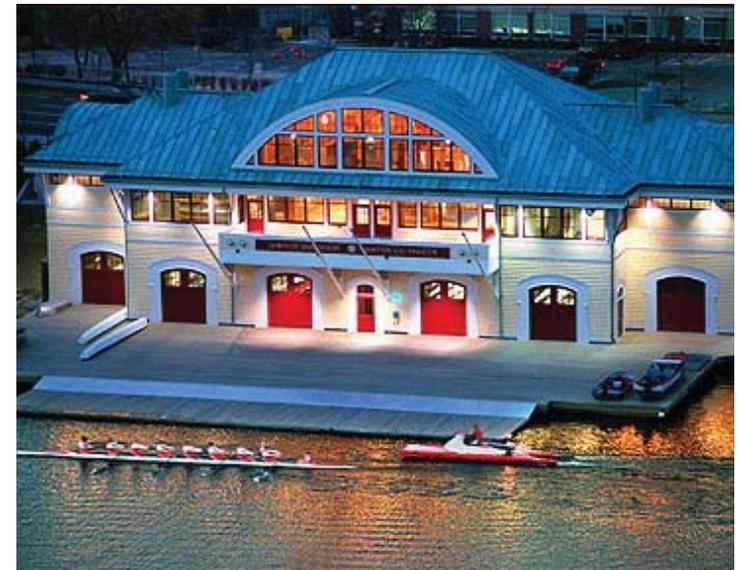
Net densities will range up to 24 units per acre.

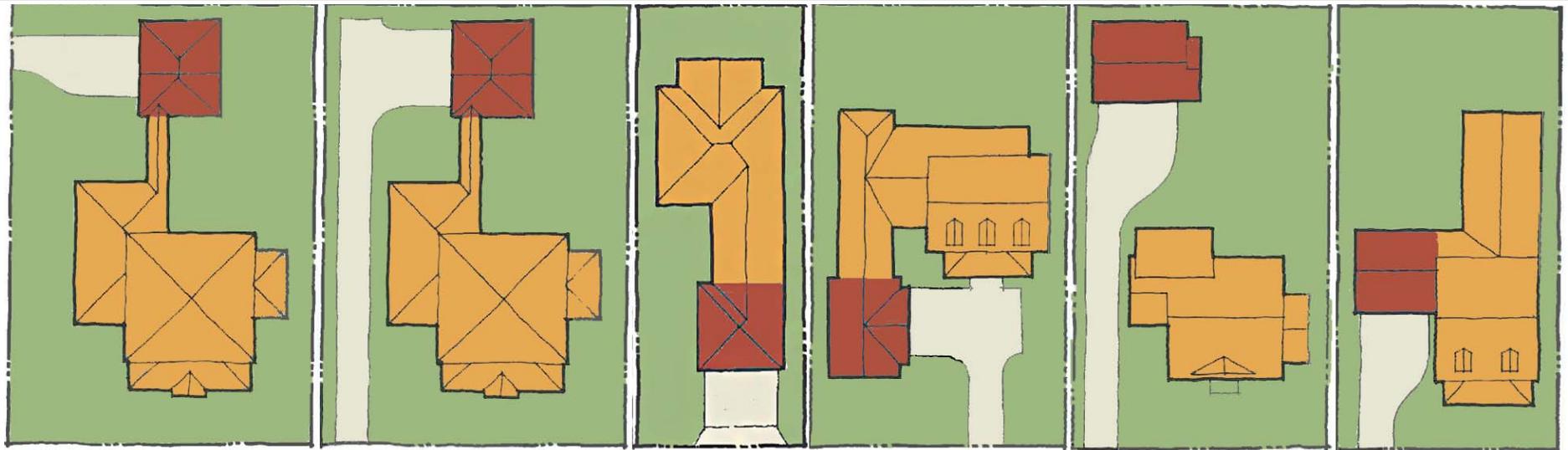




Notes:

- These layouts are for illustrative purposes. Final designs may deviate from those depicted.
- Accessory structures may be attached or detached. If detached, a minimum of a 10-foot separation is required.
- (1) Subject to access requirements for emergency services and fire code.
- (2) Attached two-family and attached single-family units are allowed a distance of 0 feet between attached units, however the terminal unit at the end of a series or pair of attached units must provide a minimum distance of 10 feet to the next principal structure.

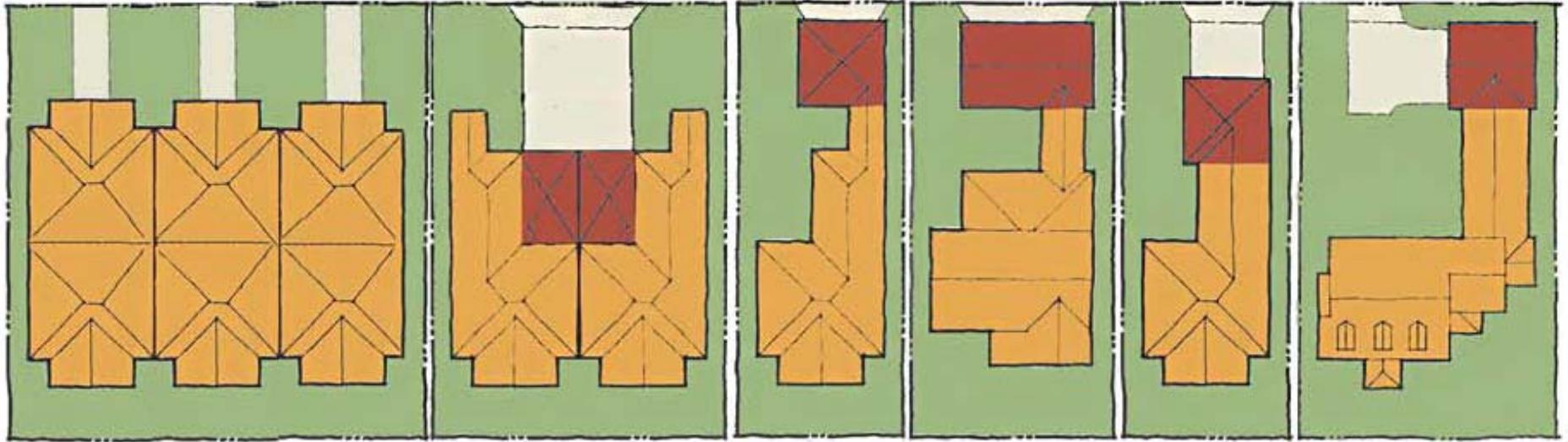




STREET



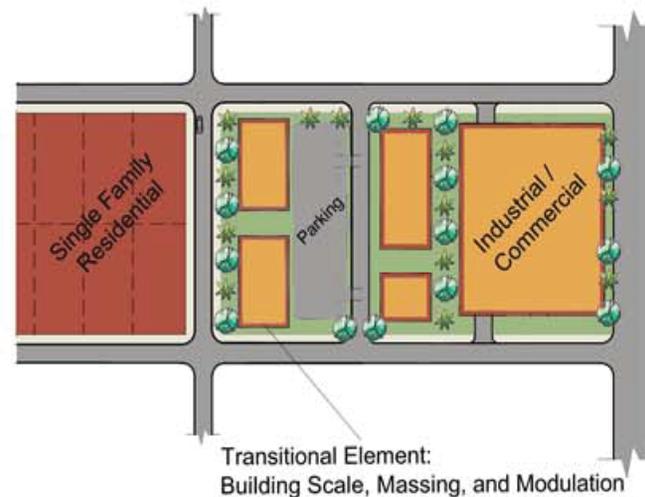
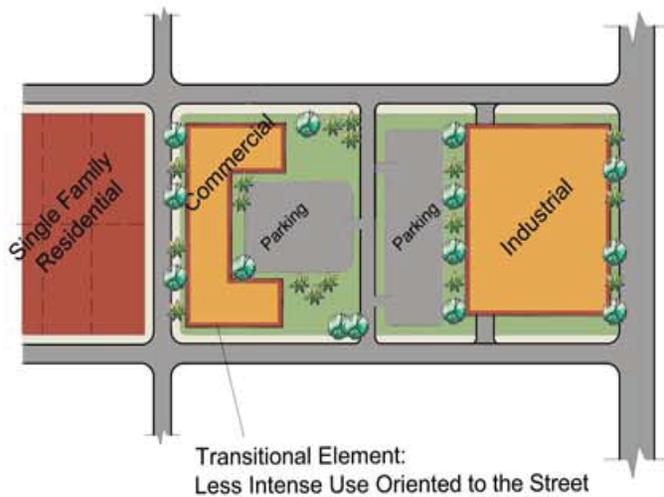
ALLEY



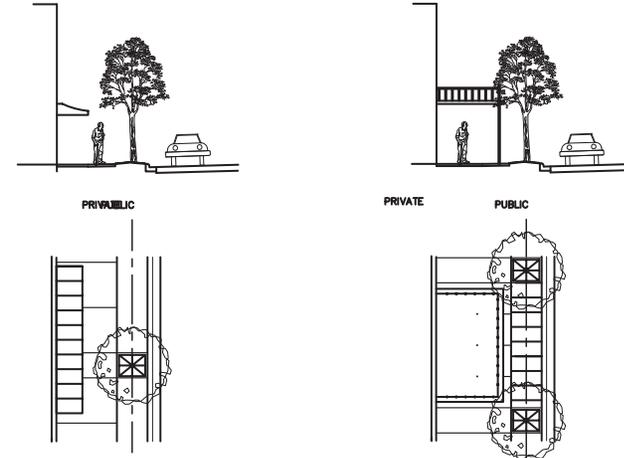
STREET



Transition between intense uses (including industrial, manufacturing, distribution, repair shops, car washes, wholesale, warehouse, processing and packaging, mining, laboratories and clinics, research, design and product development, and gas stations) and residential uses will be addressed through building orientation, site design, landscape buffering or the placement of less intense uses to provide transition, such as commercial, office, civic, institutional, governmental or recreation.



The Town Center will include appropriate mixed use and smart growth urban design principles in generating vibrant walkable communities. This includes pedestrian friendly features such as, but not limited to: the appropriate mix of densities and uses, compact street intersections, greenway trail system, street furniture, landscaping of streets with native canopy trees and neighborhoods that are properly scaled for people.



AWNING

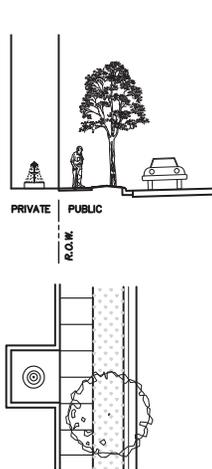
(Mixed Use / Non-Residential)

PLANNED STREET TREE LOCATIONS MUST BE CONSIDERED WHILE DETERMINING AWNING/CANOPY SIZE. AWNING/CANOPY SHALL HAVE A MINIMUM DEPTH (DISTANCE FROM FACE OF BUILDING) OF 8'.

COLONNADE

(Mixed Use / Non-Residential)

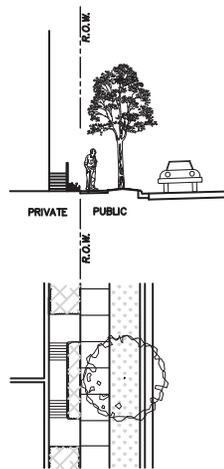
PLANNED STREET TREE LOCATIONS MUST BE CONSIDERED WHEN DETERMINING COLONNADE SIZE. ENCROACHMENT IS SUGGESTED TO HAVE A MINIMUM DEPTH (DISTANCE FROM FACE OF BUILDING) OF 10'.



COURTYARD / PLAZA

(Attached Residential / Non-Residential / Mixed Use)

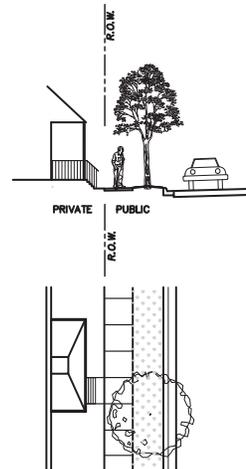
MAXIMUM COURTYARD FRONTAGE NOT TO EXCEED 25% OF THE BUILDING FACE AND BE NO LESS THAN 10' AND NO GREATER THAN 40'.



STOOP

(Attached Residential / Multifamily)

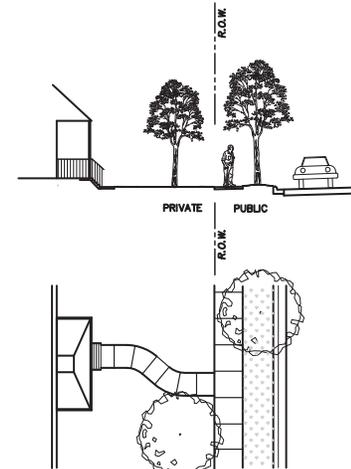
THE BUILDING SETBACK WILL BE BETWEEN 5' AND 10'.



PORCH

(Residential)

THIS SCENARIO ALLOWS FOR A MINIMUM 8' PORCH DEPTH, AND MINIMUM 2' DEPTH FROM EDGE OF SIDEWALK TO FRONT OF PORCH.



PORCH & YARD

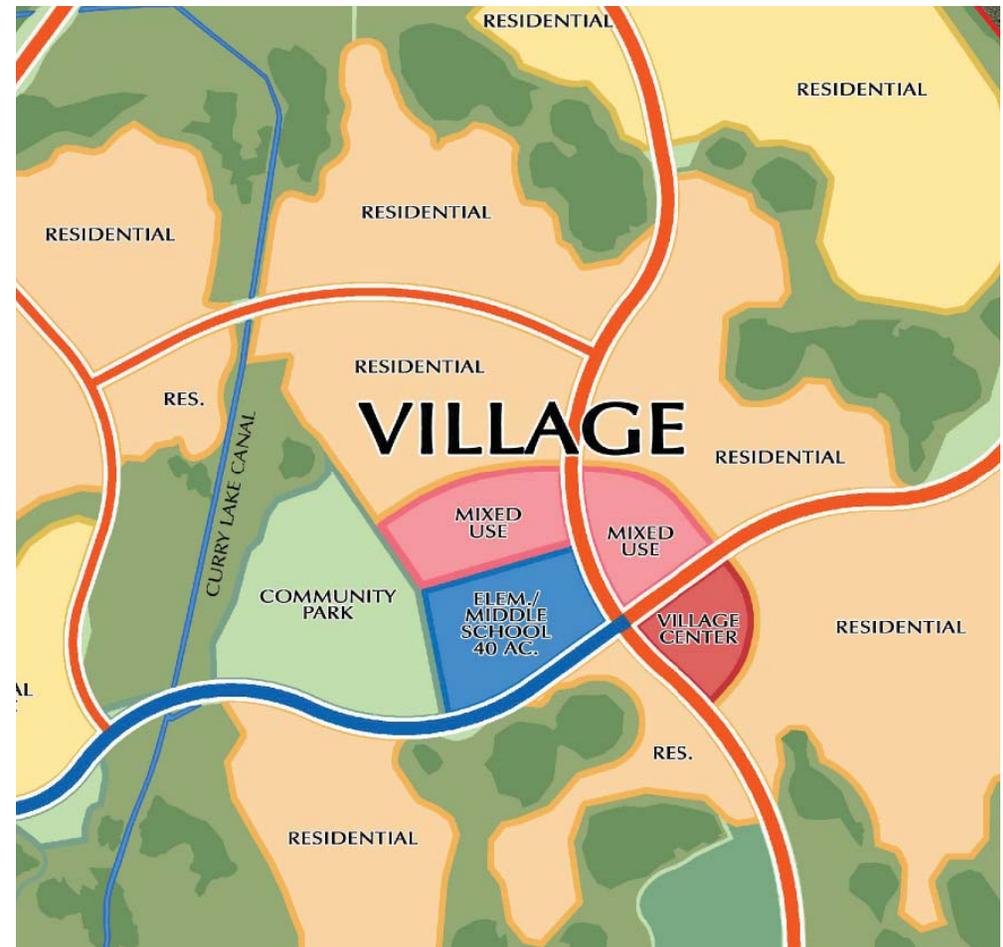
(Residential)

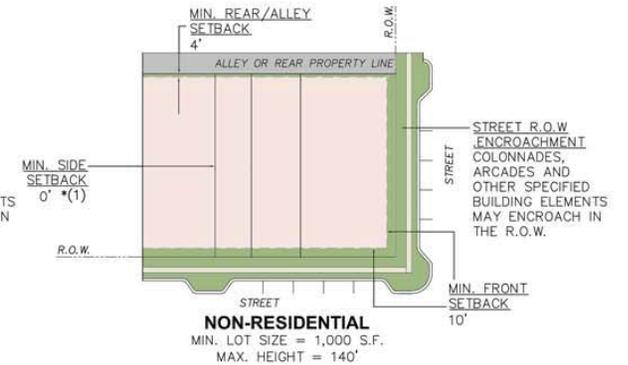
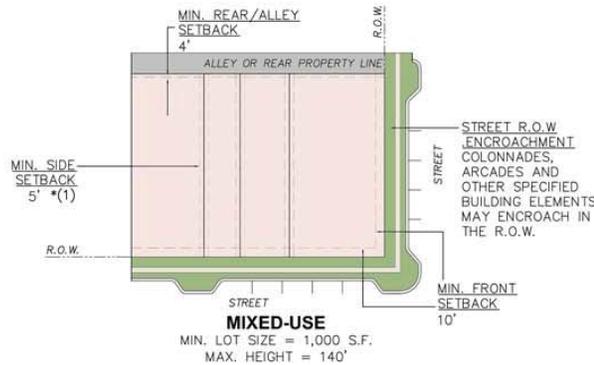
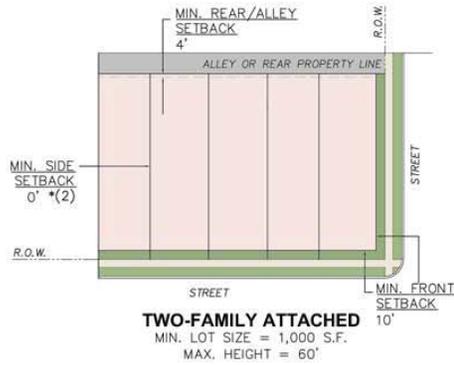
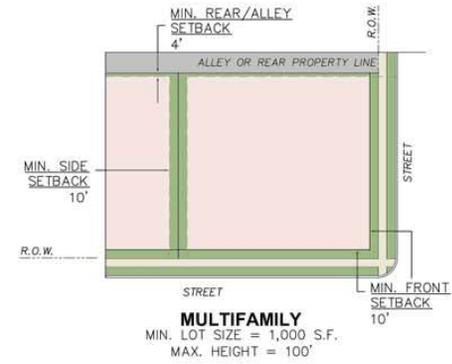
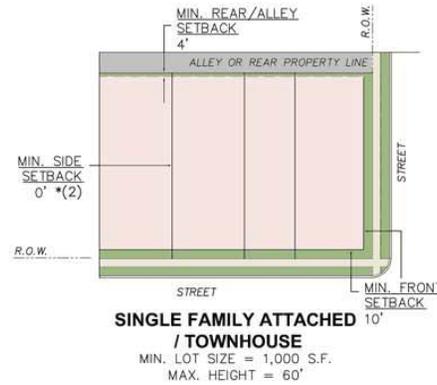
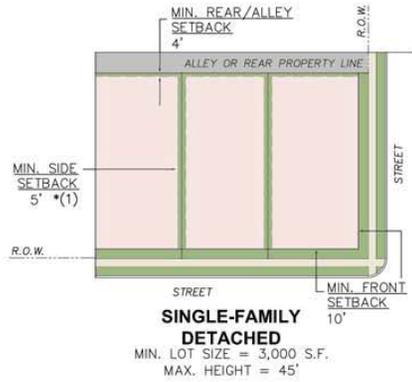
THIS SCENARIO ALLOWS FOR A MINIMUM 8' PORCH DEPTH, AND MINIMUM 5' DEPTH FROM EDGE OF SIDEWALK TO FRONT OF PORCH.

Villages will be comprised of residential neighborhoods and a minimum of one Village Center.

Residential neighborhoods in Villages will provide for a wide-range of energy-efficient housing types, materials and practices, consisting of single-family and multi-family dwelling units that will cater to a wide range of economic levels and age groups, including permanent, as well as seasonal residents. Residential neighborhoods should include a village park or civic space. Elementary and middle schools (subject to State regulations), community parks and neighborhood parks will be sized and located to define neighborhoods or a cluster of neighborhoods. Integration and connection can be achieved by pedestrian, bicycle, or alternative vehicle access ways located within streets, greenways and open space.

Net densities range up to 16 units per acre.



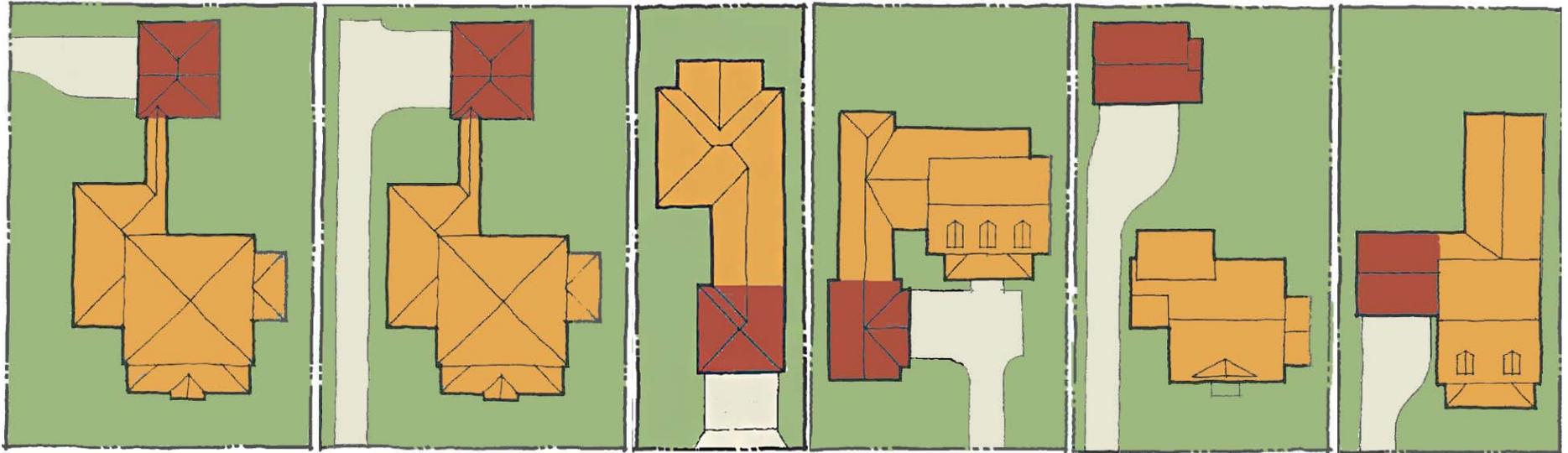


Notes:

- These layouts are for illustrative purposes. Final designs may deviate from those depicted.
- Accessory structures may be attached or detached. If detached, a minimum of a 10-foot separation is required.
- (1)Subject to access requirements for emergency services and fire code.
- (2)Attached two-family and attached single-family units are allowed a distance of 0 feet between attached units, however the terminal unit at the end of a series or pair of attached units must provide a minimum distance of 10 feet to the next principal structure.

Village Centers form an integral part of each Village and are designed to provide for daily and basic needs of the surrounding neighborhoods within the Village. A Village Center will be centrally located to provide for convenient pedestrian access to and from adjacent neighborhoods and those dwelling units located within the Village. The Centers provide for a mix of land uses including, but not limited to, retail, service, office, small-lot single-family detached residential homes, accessory apartments, guesthouses, home occupations, home offices, multi-family uses, schools, civic/governmental uses, neighborhood or community parks and other similar services designed to meet the needs of its respective Village.

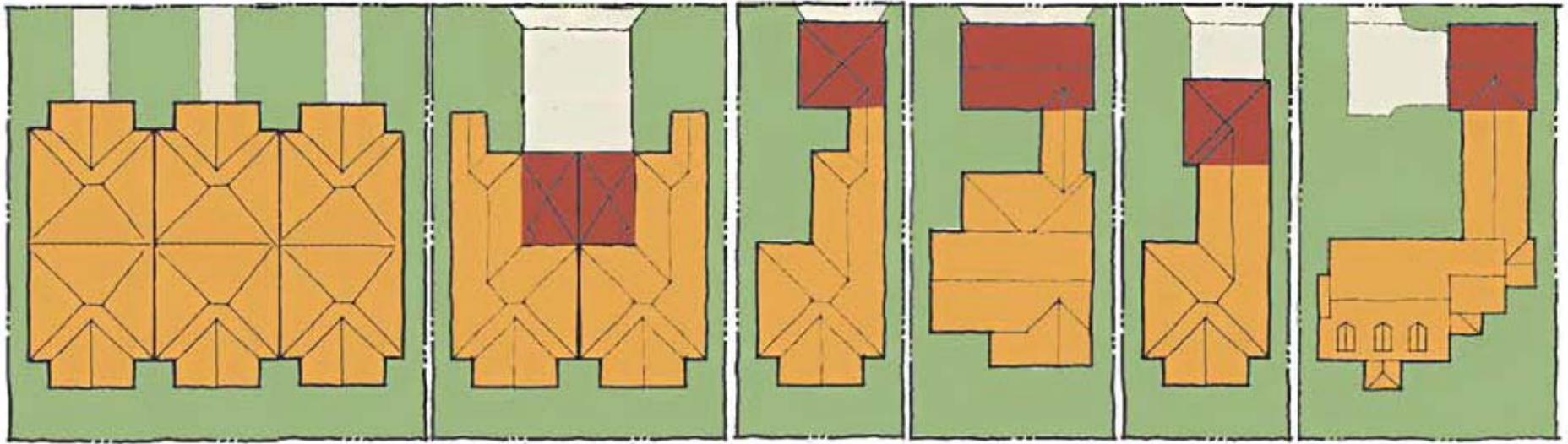




STREET



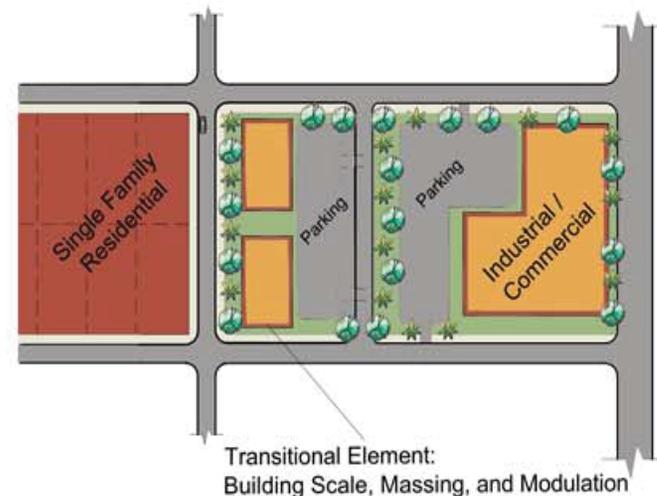
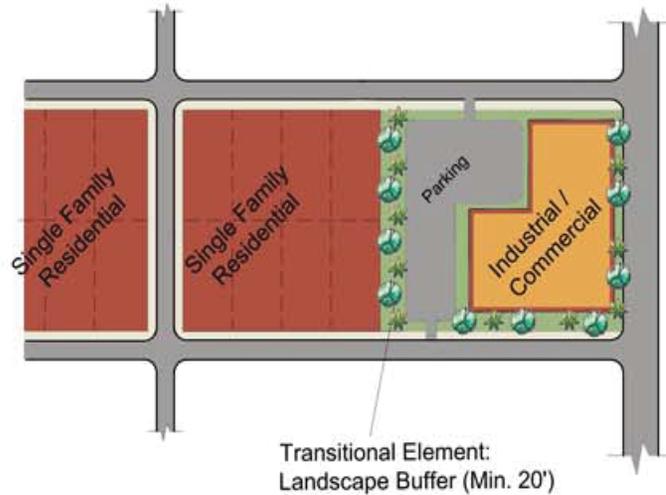
ALLEY



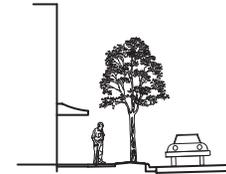
STREET



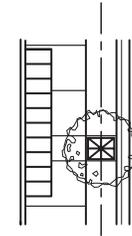
Transition between intense uses (including industrial, manufacturing, distribution, repair shops, car washes, wholesale, warehouse, processing and packaging, mining, laboratories and clinics, research, design and product development, and gas stations) and residential uses will be addressed through building orientation, site design, landscape buffering or the placement of less intense uses to provide transition, such as commercial, office, civic, institutional, governmental or recreation.



Villages will include appropriate mixed use and smart growth urban design principles in generating vibrant walkable communities. This includes pedestrian friendly features such as, but not limited to: the appropriate mix of densities and uses, compact street intersections, greenway trail system, street furniture, landscaping of streets with native canopy trees and neighborhoods that are properly scaled for people.



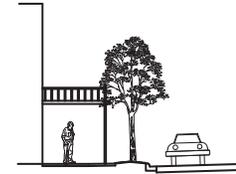
PRIVATE PUBLIC



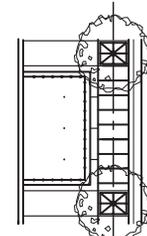
AWNING

(Mixed Use / Non-Residential)

PLANNED STREET TREE LOCATIONS MUST BE CONSIDERED WHILE DETERMINING AWNING/CANOPY SIZE. AWNING/CANOPY SHALL HAVE A MINIMUM DEPTH (DISTANCE FROM FACE OF BUILDING) OF 8'.



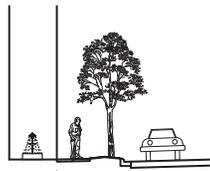
PRIVATE PUBLIC



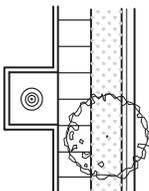
COLONNADE

(Mixed Use / Non-Residential)

PLANNED STREET TREE LOCATIONS MUST BE CONSIDERED WHEN DETERMINING COLONNADE SIZE. ENCROACHMENT IS SUGGESTED TO HAVE A MINIMUM DEPTH (DISTANCE FROM FACE OF BUILDING) OF 10'.



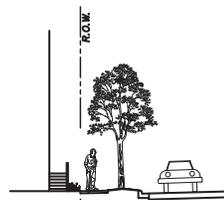
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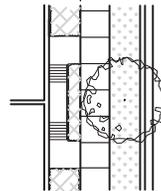
COURTYARD / PLAZA

(Attached Residential / Non-Residential / Mixed Use)

MAXIMUM COURTYARD FRONTAGE NOT TO EXCEED 25% OF THE BUILDING FACE AND BE NO LESS THAN 10' AND NO GREATER THAN 40'.



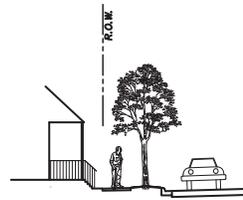
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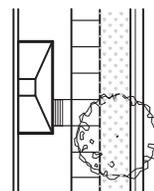
STOOP

(Attached Residential / Multifamily)

THE BUILDING SETBACK WILL BE BETWEEN 5' AND 10'.



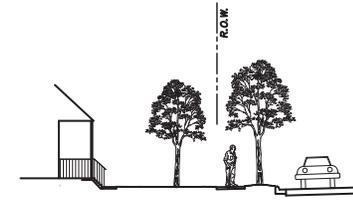
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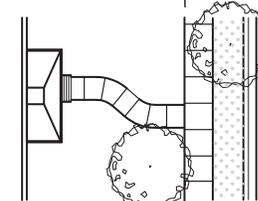
PORCH

(Residential)

THIS SCENARIO ALLOWS FOR A MINIMUM 8' PORCH DEPTH, AND MINIMUM 2' DEPTH FROM EDGE OF SIDEWALK TO FRONT OF PORCH.



PRIVATE PUBLIC



PORCH & YARD

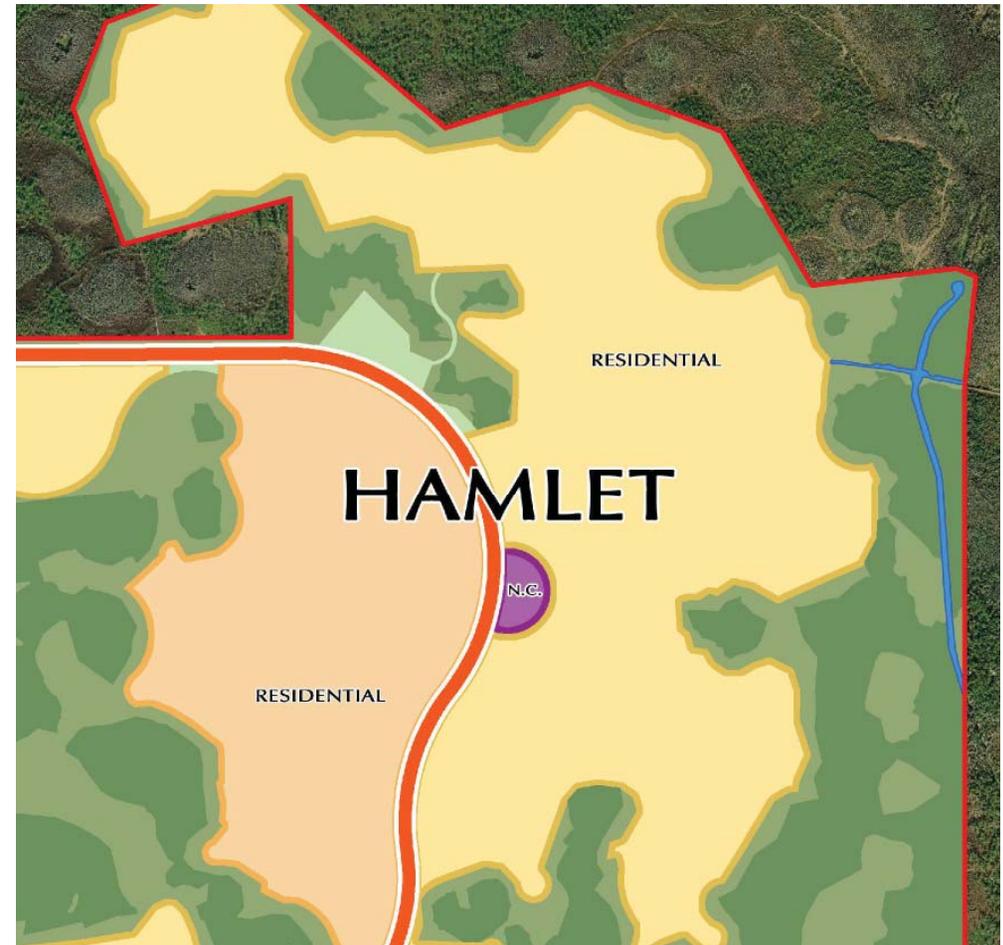
(Residential)

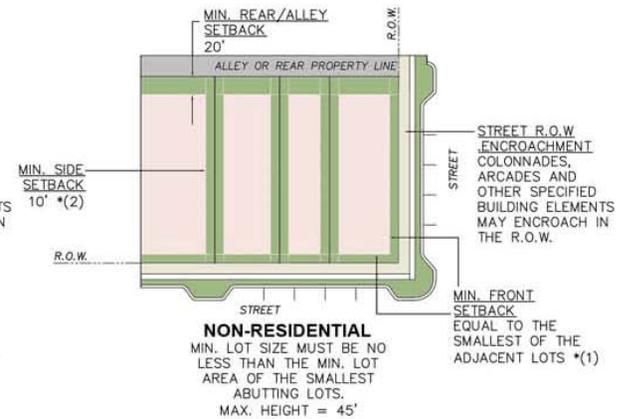
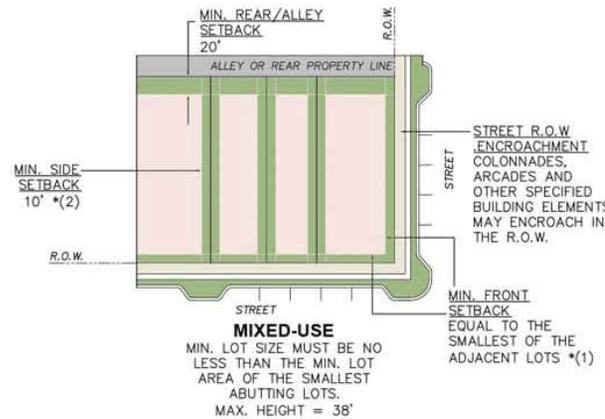
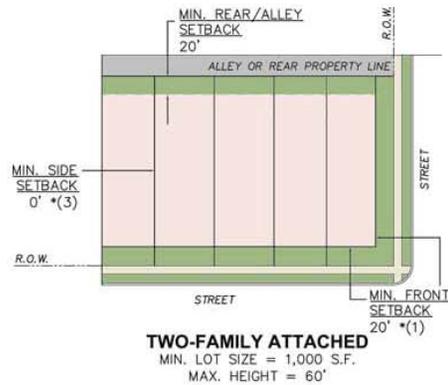
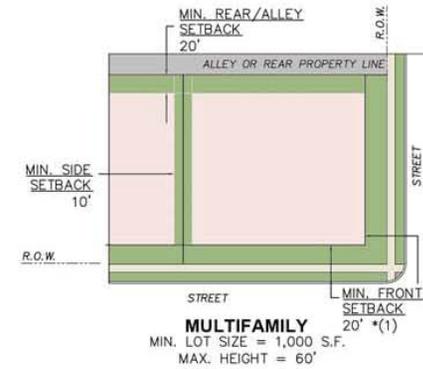
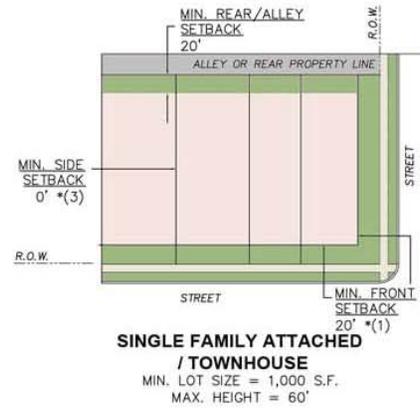
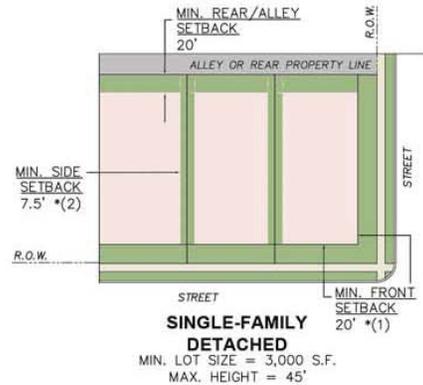
THIS SCENARIO ALLOWS FOR A MINIMUM 8' PORCH DEPTH, AND MINIMUM 5' DEPTH FROM EDGE OF SIDEWALK TO FRONT OF PORCH.

Hamlets will be comprised of residential neighborhoods and may include, but are not required to include, a Neighborhood Commercial Center sized to serve that particular Hamlet.

Residential neighborhoods in Hamlets will provide for a wide-range of energy-efficient housing types, materials and practices, consisting of single-family and multi-family dwelling units that will cater to a wide range of economic levels and age groups, including permanent, as well as seasonal residents.

Net densities range up to 16 units per acre.

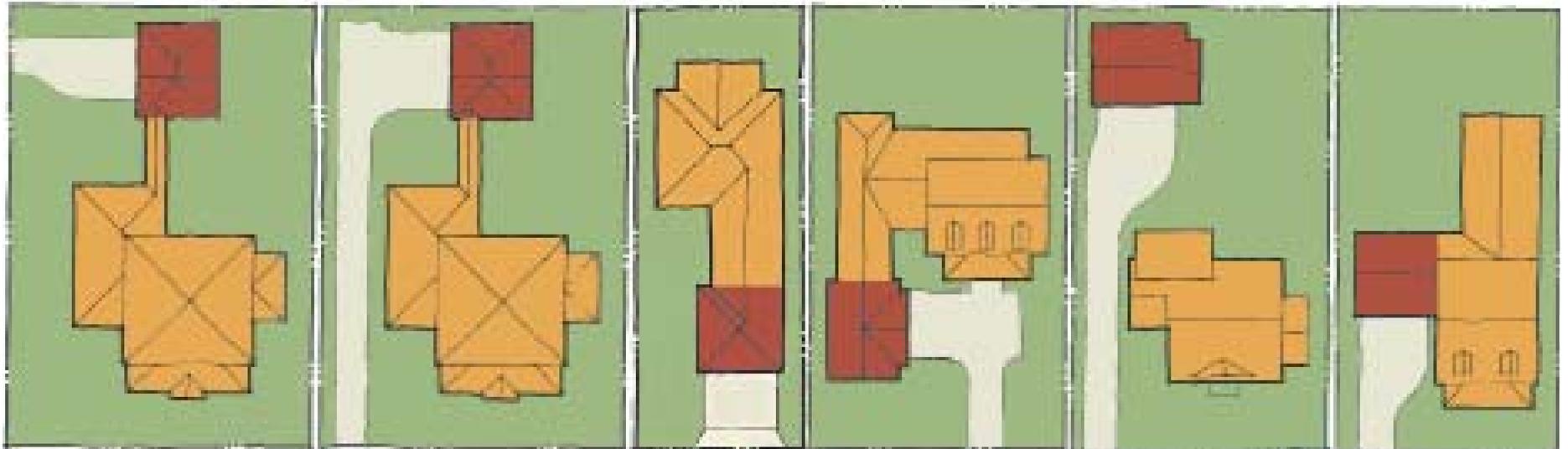




- Notes:
- These layouts are for illustrative purposes. Final designs may deviate from those depicted.
 - Accessory structures may be attached or detached. If detached, a minimum of a 10-foot separation is required.
 - (1) The applicant must demonstrate that 2 vehicles can be adequately parked on a driveway without overhanging onto the sidewalk or pavement.
 - (2) Subject to access requirements for emergency services and fire code.
 - (3) Attached two-family and attached single-family units are allowed a distance of 0 feet between attached units, however the terminal unit at the end of a series or pair of attached units must provide a minimum distance of 10 feet to the next principal structure.

Hamlets may contain neighborhood centers to provide a common area for residents to gather, recreate, or access smaller scale services and goods within proximity to residential areas. To keep these centers in context with the scale of the service area, the maximum commercial square footage permitted in one location is 15,000 square feet, and maximum area per commercial use is 3,000 square feet.





STREET



ALLEY



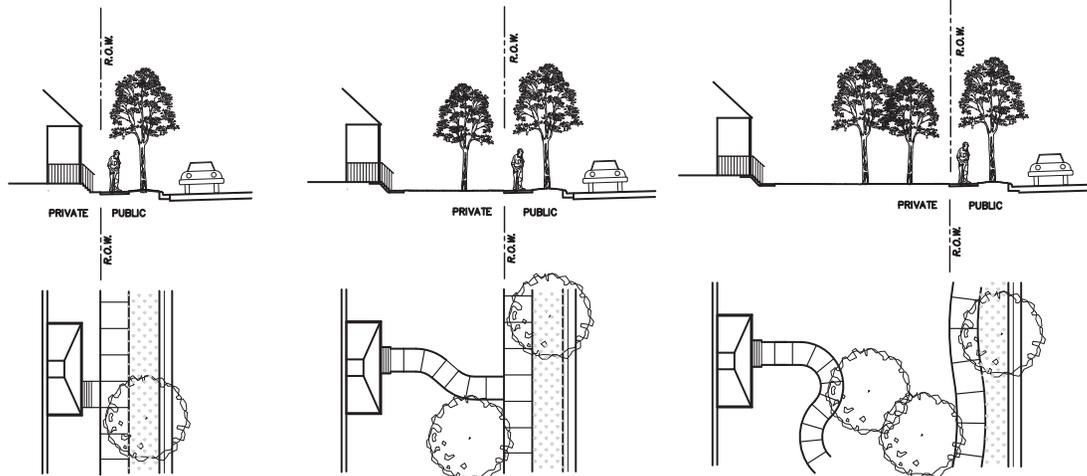
STREET



Transition between intense uses (including repair shops, car washes, and gas stations) and residential uses will be addressed through building orientation, site design, landscape buffering or the placement of less intense uses to provide transition, such as commercial, office, civic, institutional, governmental or recreation.



Streets within Hamlets will relate to the development pattern by providing travel corridors that accommodate motor vehicles, pedestrians, bicyclists and transit riders where feasible. The Hamlets are less urban in character, therefore streetscapes are less urban with less emphasis on street furnishings in the residential areas. Streetscapes will typically contain sidewalks on one side of the street, and trees either within the right-of-way or in front yard areas along the street.



PORCH

(Residential / Non-Residential / Mixed Use)

PORCH & YARD

(Residential / Non-Residential / Mixed Use)

RURAL

(Residential)

THIS SCENARIO ALLOWS FOR A MINIMUM 8' PORCH DEPTH, AND MINIMUM 2' DEPTH FROM EDGE OF SIDEWALK TO FRONT OF PORCH.

NORTH BABCOCK SUBDISTRICT

NORTH BABCOCK DEVELOPMENT CHARACTERISTICS

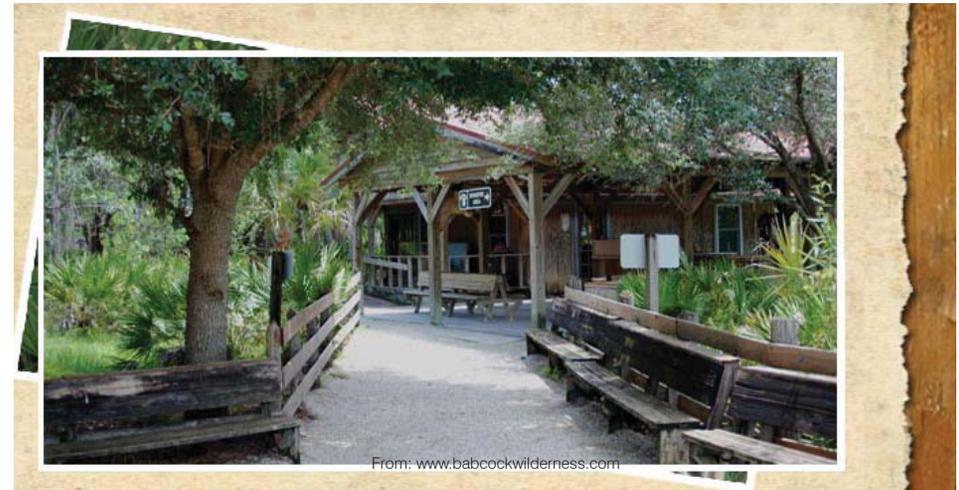
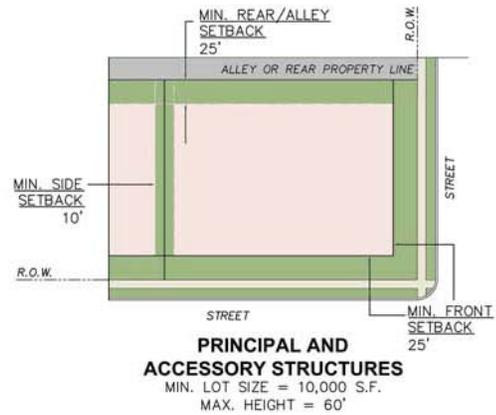
The North Babcock Subdistrict is envisioned to be an educational and recreational center with uses that represent a long-term preservation and development plan. The subdistrict is intended to provide opportunities for the public to explore and enjoy ecosystems and natural resources.

Uses allowed within the North Babcock District relate to eco-tourism, education, camping, civic, institutional and small scale stores and other types of commercial uses which are customarily associated with the permitted uses.



NORTH BABCOCK SUBDISTRICT

NORTH BABCOCK TYPICAL LOTS AND COMMERCIAL BUILDING TYPES



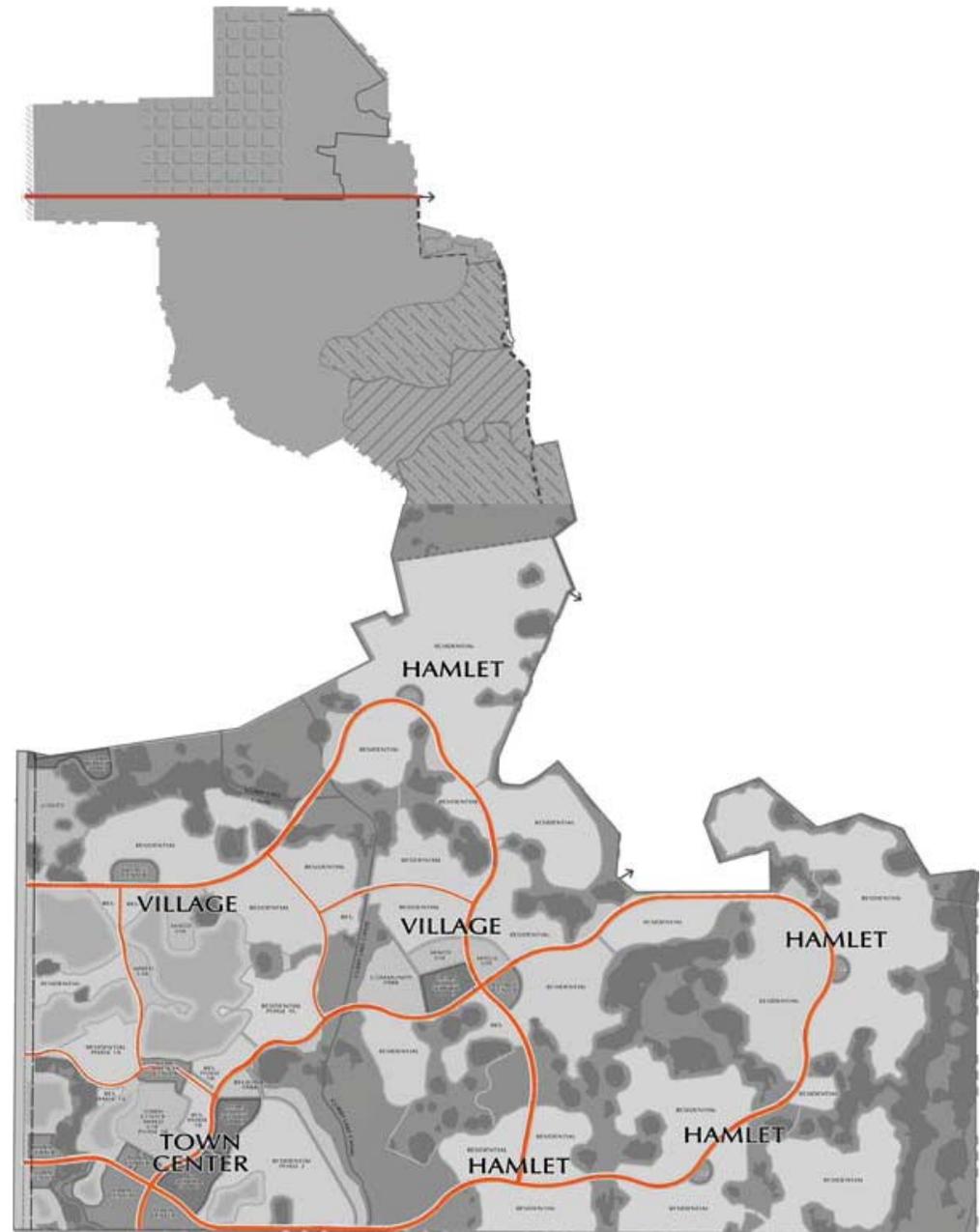
Notes:
-These layouts are for illustrative purposes. Final designs may deviate from those depicted.
- Accessory structures may be attached or detached. If detached, a minimum of a 10-foot separation is required.

TRANSPORTATION FACILITIES

Babcock is conceived as a master-planned community, built upon a framework that focuses development in a Town Center, Villages and Hamlets that are tied together with a network of transportation facilities that incorporate roadways interconnected with trails, paths, and sidewalks while upholding the quality of critical natural areas and systems.

The transportation system includes the coordination of land uses with the transportation network. The system provides a network which considers the needs of all users including motorists, bicyclists, and pedestrians. Alternative and non-conventional transportation options for personal transportation (such as Electric Urban Vehicles) and other low emissions forms of transportation as well as transit facilities are to be accommodated when and where appropriate.

Babcock is master planned to provide connectivity between various transportation modes. Linkage to off-road trails is anticipated through design of roadways that may accommodate variations of sidewalks, multi-use paths, and multi-use trails where appropriate.



TRANSPORTATION FACILITIES

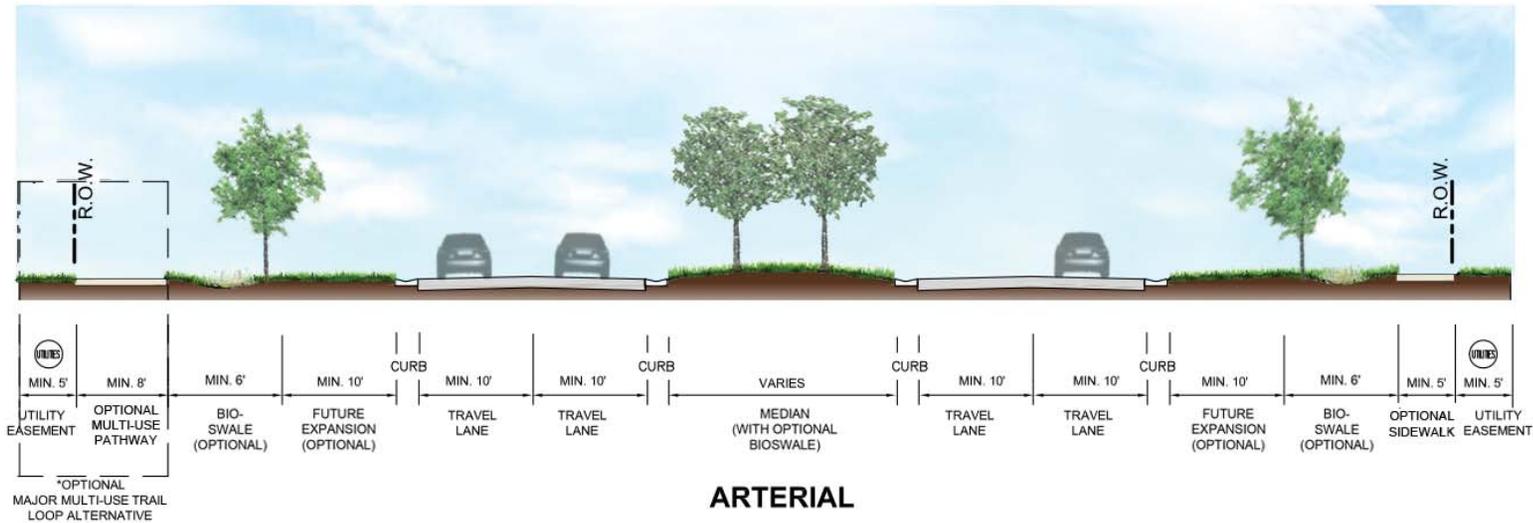
On a smaller scale, the MURC areas may incorporate urban design principles that support walkability. Provision of sidewalks on at least one side of streets in some areas will provide the facilities necessary, while the mix and variety of uses, densities and development types should provide a context supportive to walkability in the Town Center, Villages and Hamlets as appropriate.



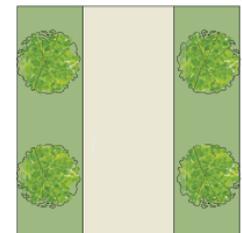
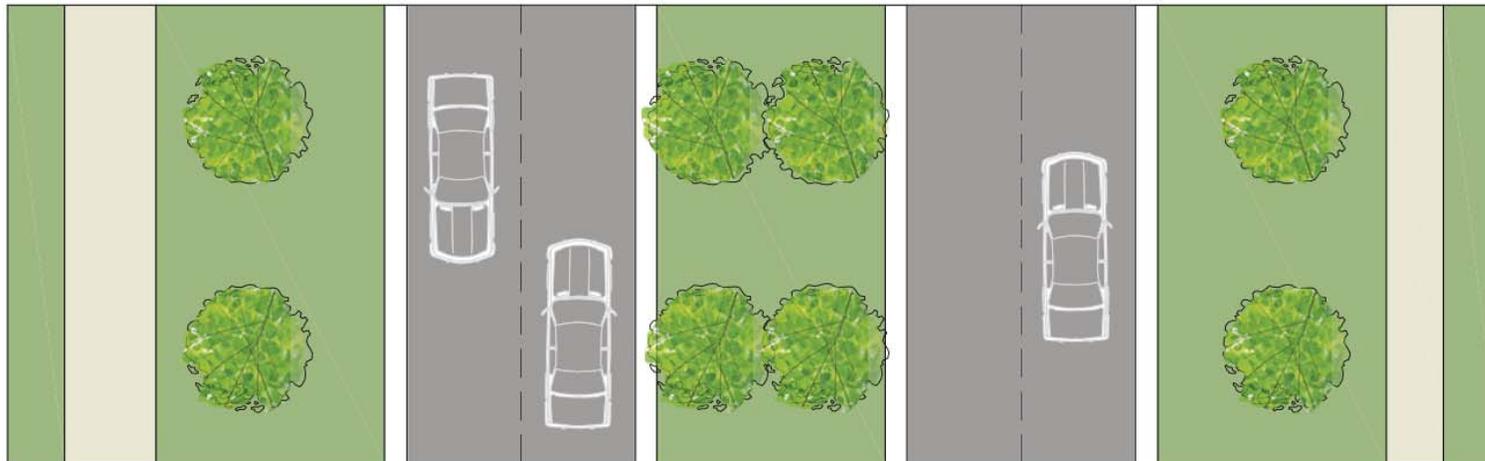
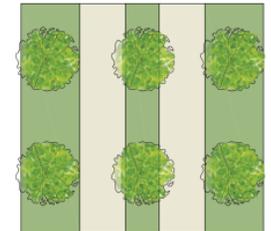
The following pages illustrate roadways that are typical per the identified roadway type. Final design may vary at time of final engineering.

Design of roadways, paths, rights-of-way, or roadway easements shall generally be according to Florida Greenbook standards, with deviations and modifications permitted by approval by the County Engineer or approval of a Pattern Book.

TYPICAL ROADWAYS

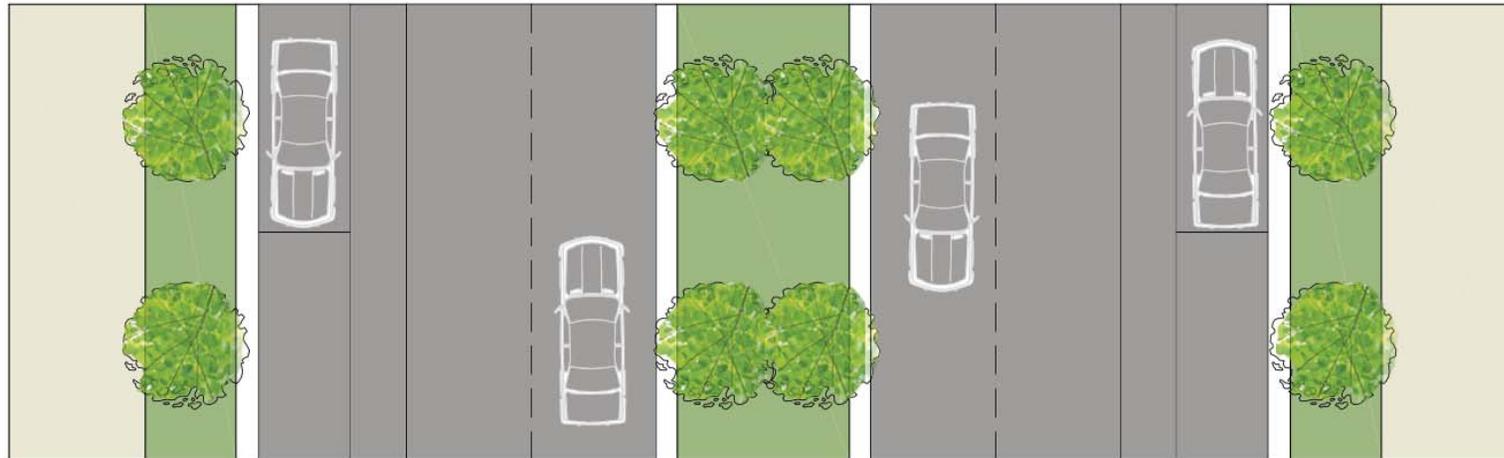
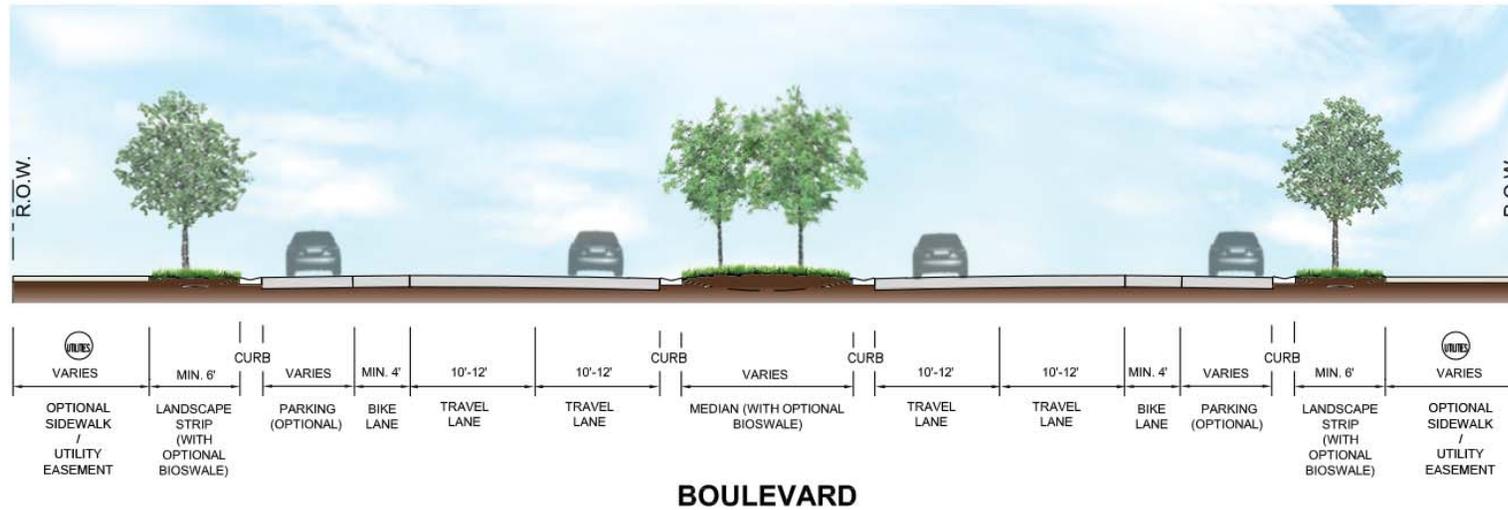


*MAJOR MULTI-USE TRAIL LOOP ALTERNATIVES



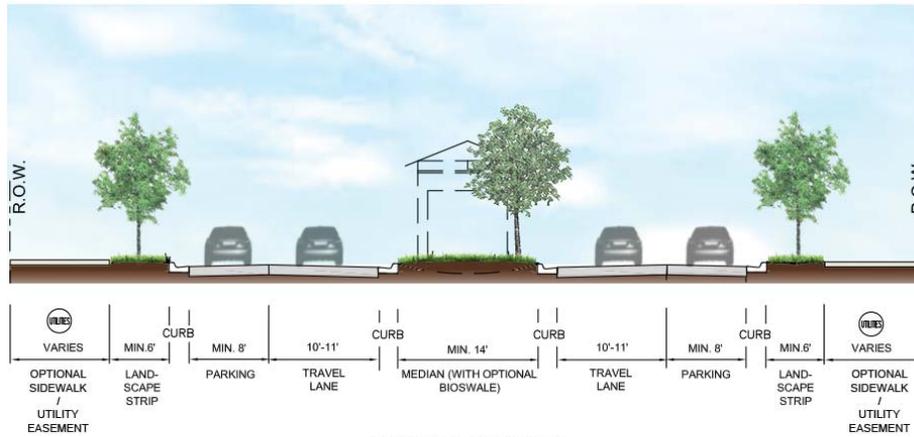
- Notes:
- (1) These typical cross sections are for illustrative purposes. Final roadway designs may deviate from these designs.
 - (2) Angle parking may be permitted within the urban and boulevard street sections.
 - (3) Utility easements may be part of the right-of-way or adjacent to the right-of-way.
 - (4) On street parking within the residential street section may alternate street sides.
 - (5) Curb types may vary throughout the project site to best suit the roadside conditions.
 - (6) Roadways shown are typical per the identified roadway type, and final design may vary at time of final engineering. Design of roadways, paths, rights-of-way, or roadway easements shall be according to Florida Greenbook standards, with deviations and modifications permitted by approval by the county engineer or approval of this pattern book. Sidewalks are required on at least one side of roadways within the Town Center.
 - (7) Minimum 4-foot wide bike lanes may be incorporated on any roadway.

TYPICAL ROADWAYS

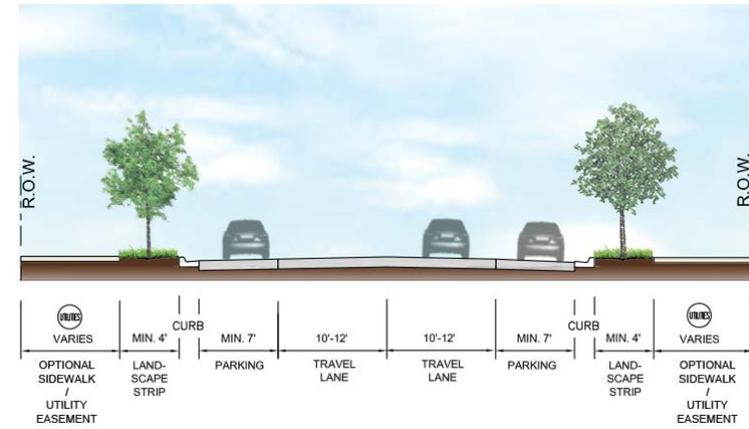


- Notes:
- (1) These typical cross sections are for illustrative purposes. Final roadway designs may deviate from these designs.
 - (2) Angle parking may be permitted within the urban and boulevard street sections.
 - (3) Utility easements may be part of the right-of-way or adjacent to the right-of-way.
 - (4) On street parking within the residential street section may alternate street sides.
 - (5) Curb types may vary throughout the project site to best suit the roadside conditions.
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 - (7) Minimum 4-foot wide bike lanes may be incorporated on any roadway.

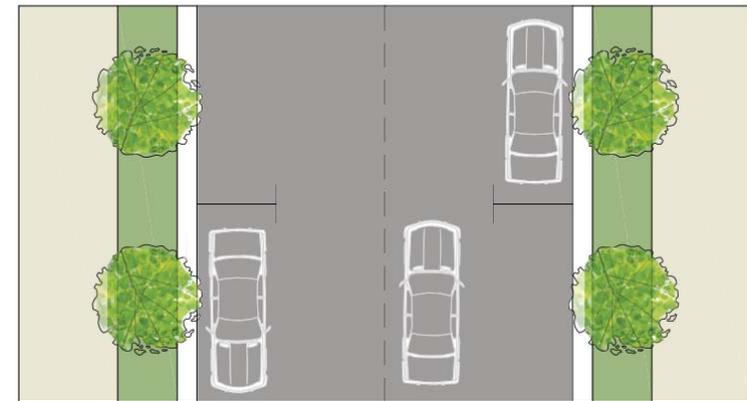
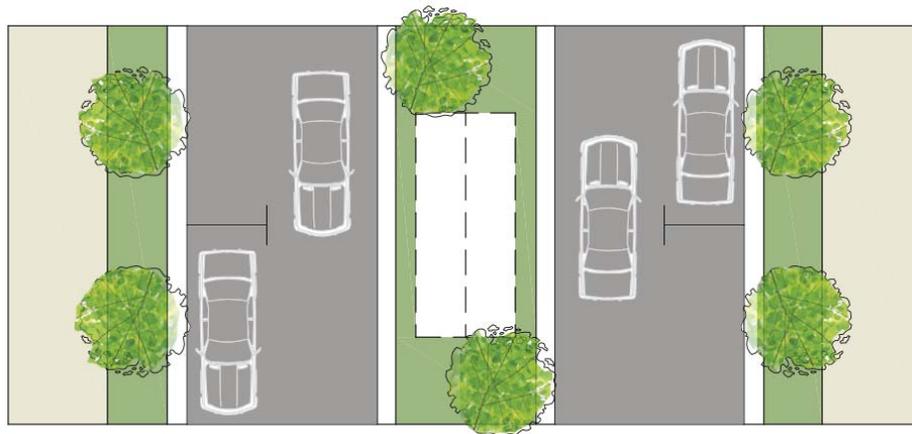
TYPICAL ROADWAYS



URBAN STREET



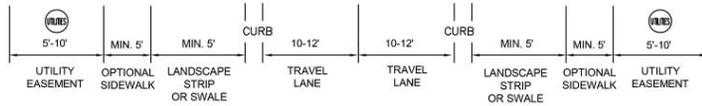
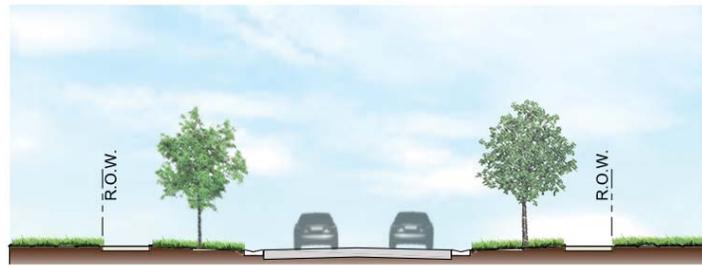
STANDARD STREET WITH PARKING



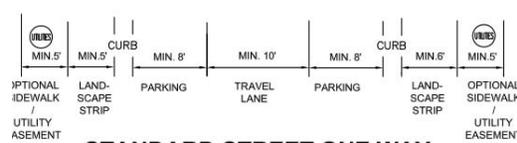
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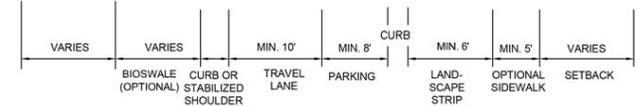
TYPICAL ROADWAYS



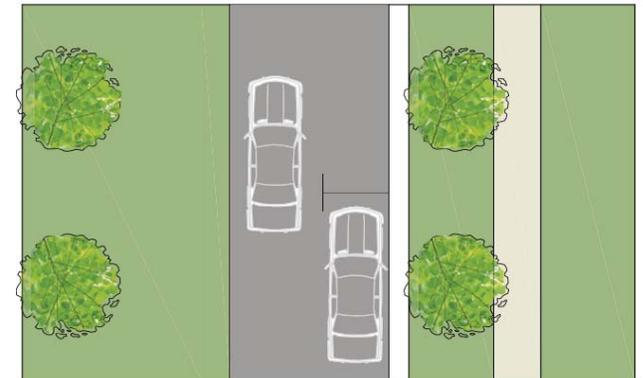
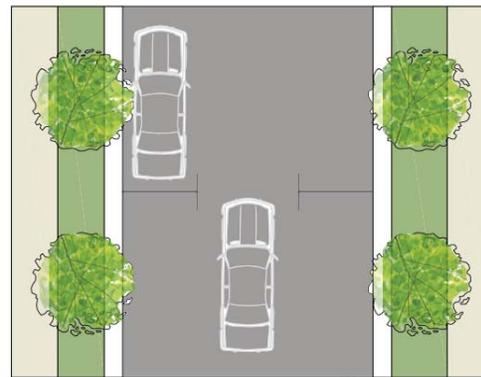
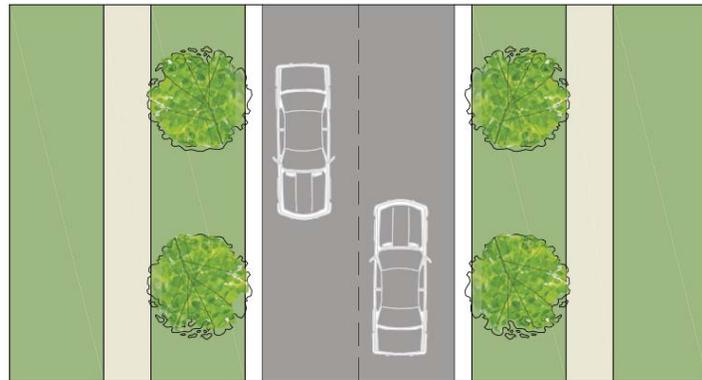
STANDARD STREET



STANDARD STREET ONE WAY



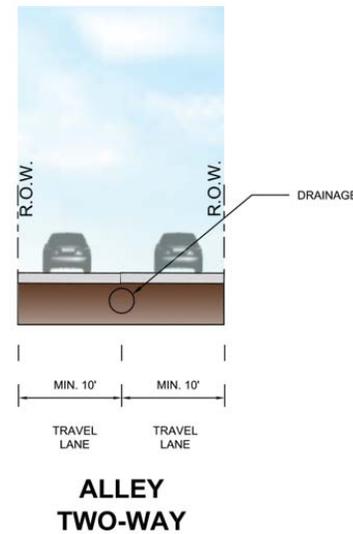
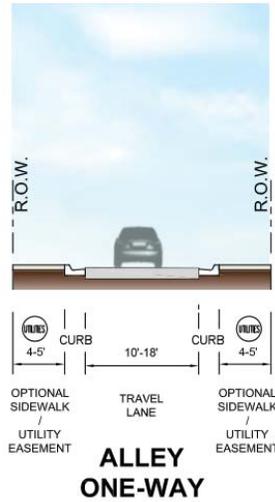
ONE WAY, PARK ONE SIDE



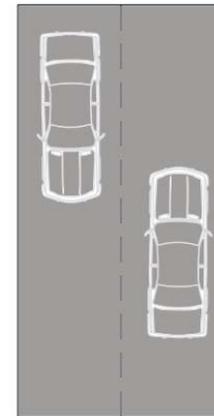
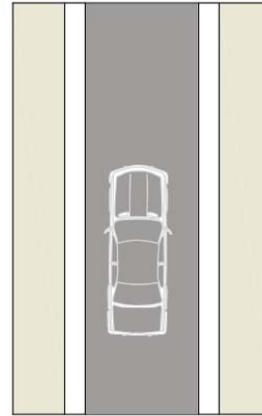
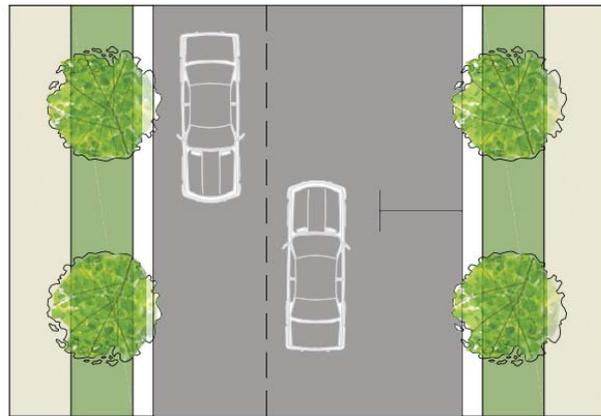
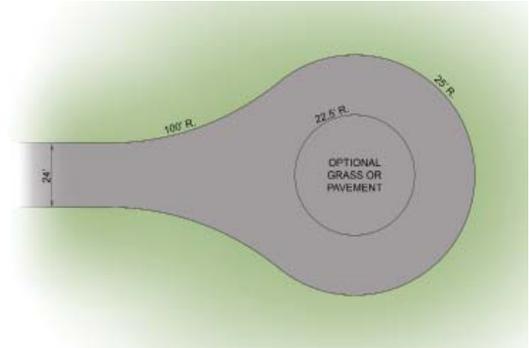
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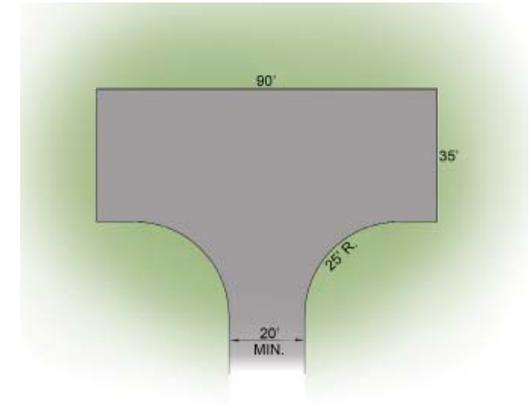
TYPICAL ROADWAYS



TYPICAL CUL-DE-SAC



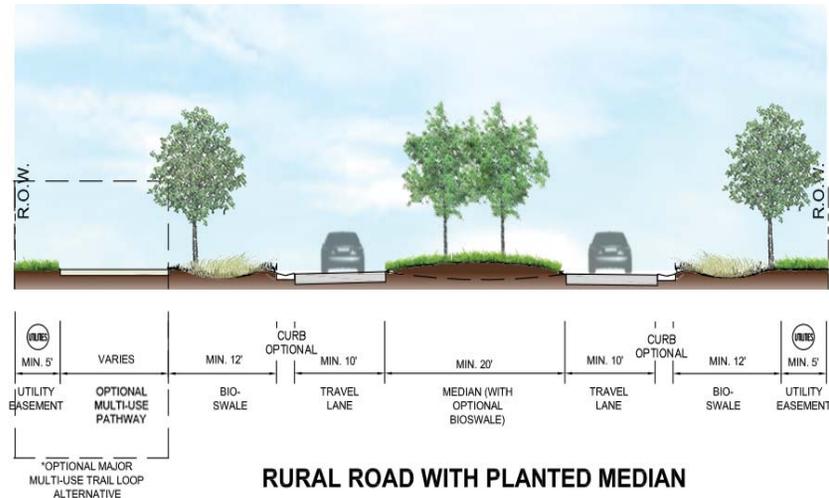
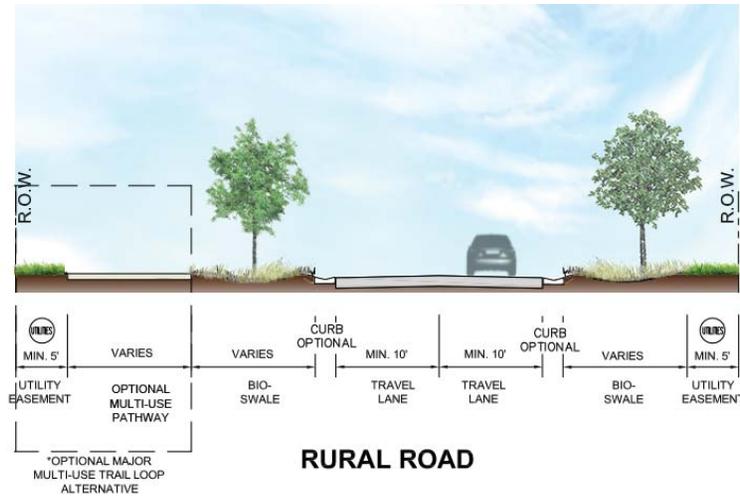
TYPICAL HAMMERHEAD



*Alleys may be inverted for drainage without curbs.

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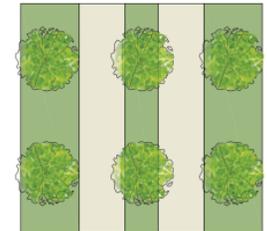
TYPICAL ROADWAYS



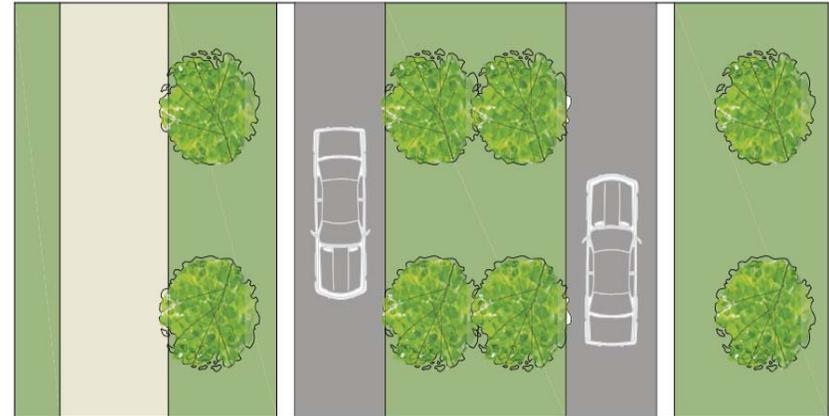
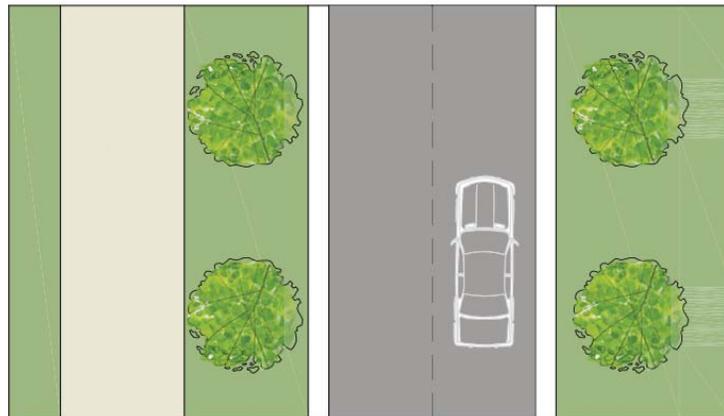
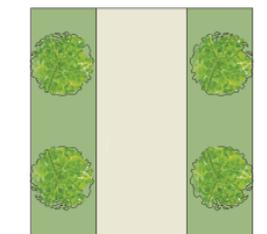
*MAJOR MULTI-USE TRAIL LOOP ALTERNATIVES



MIN. 8' OPTIONAL SIDEWALK | VARIES LANDSCAPE STRIP | MIN. 8' OPTIONAL SIDEWALK



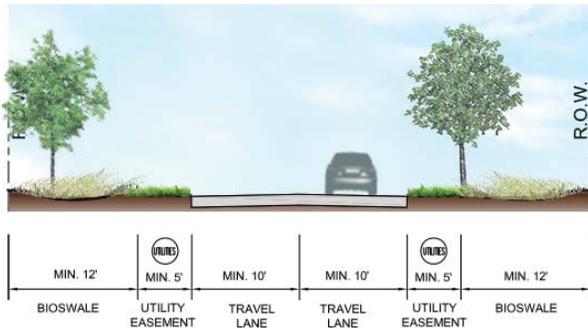
MIN. 10' LANDSCAPE STRIP | MIN. 10' OPTIONAL SIDEWALK | MIN. 10' LANDSCAPE STRIP



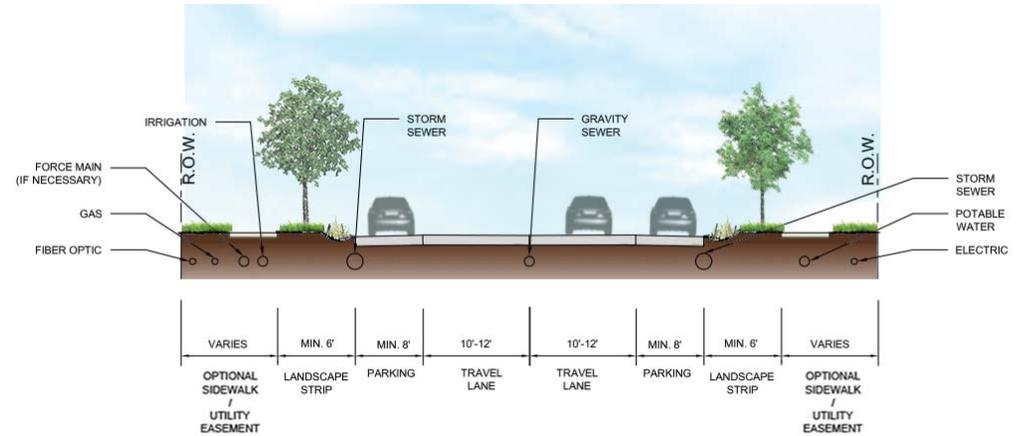
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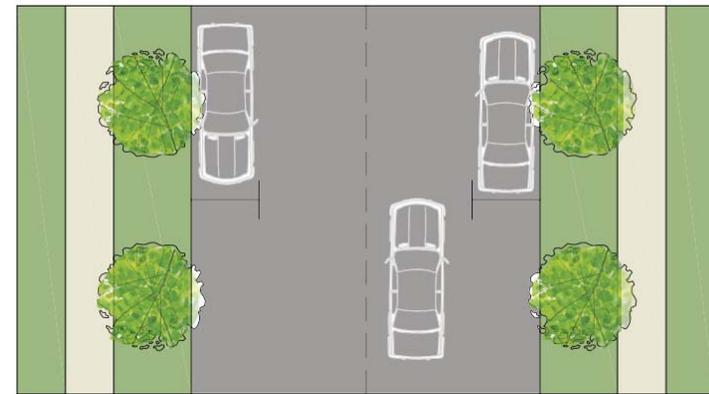
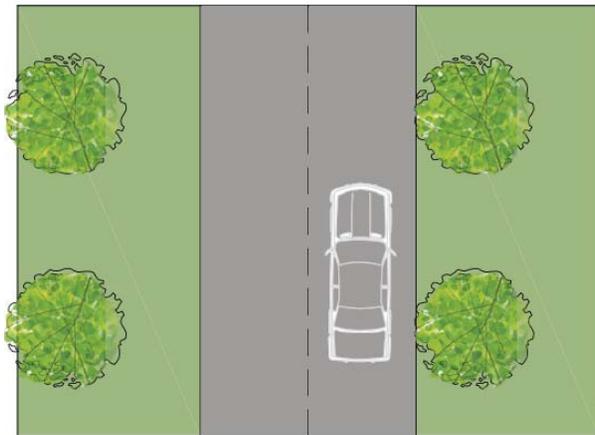
TYPICAL ROADWAYS



RURAL SECONDARY ROADWAY



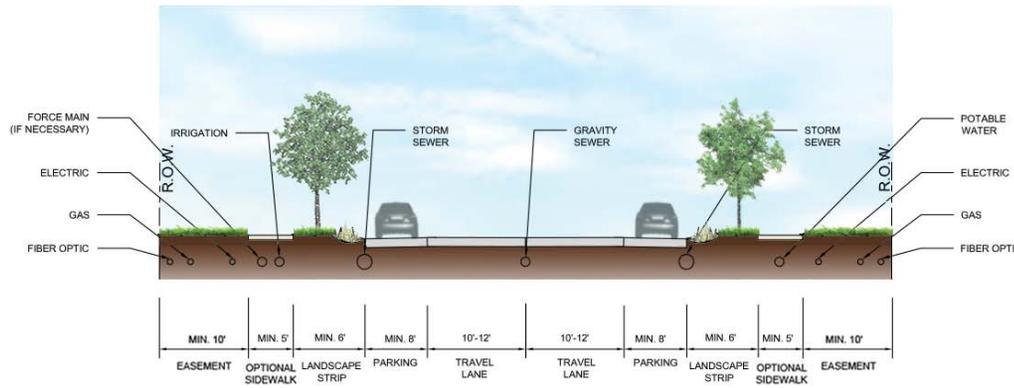
UTILITY OPTION



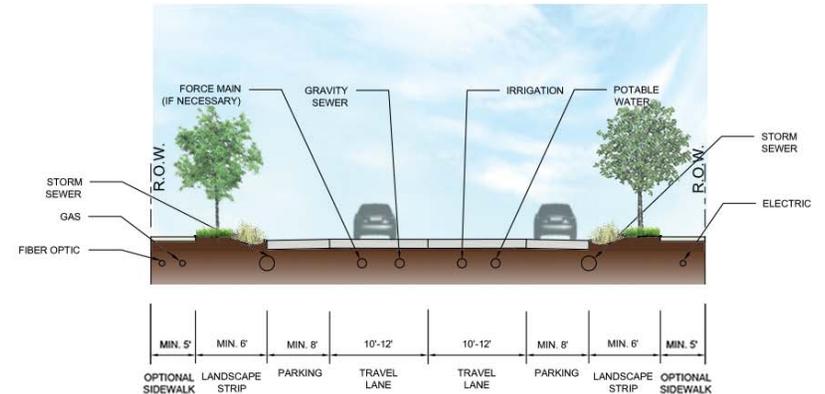
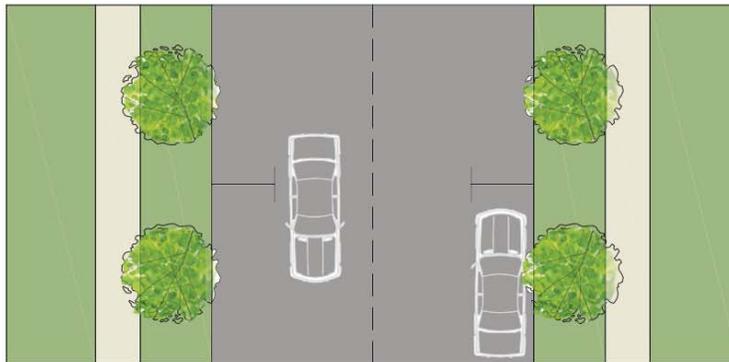
*Utility locations to be determined with the various utility providers.

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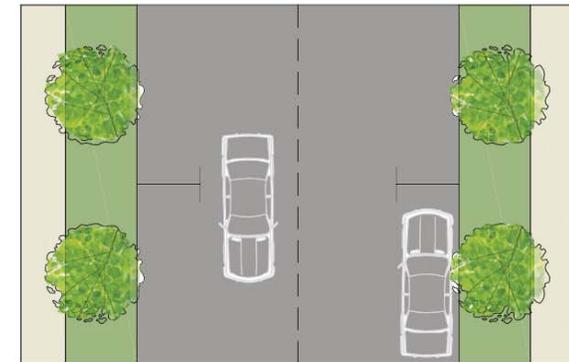
TYPICAL ROADWAYS



UTILITY OPTION



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SPECIAL PROVISIONS

An inter-departmental review team may be established to ensure orderly consideration of all applications subject to review and to streamline the review process for projects within the District.

Subdivision Plats/Construction Plans.

1. Submission, review, and approval of subdivision plats for the project may be accomplished in phases to correspond with the planned development of the property.
2. Construction plans may be submitted, reviewed, and approved concurrently with plat applications.
3. Preliminary and final plat applications may be concurrently reviewed and processed for approval.
4. Determination of the adequacy of public facilities may be stipulated at time of construction plan approval and plat approval on the condition that connection to water and sewer service facilities is demonstrated at time of Certificate of Occupancy.

Assurance of completion of improvements. Subdivision plats may be accepted if all infrastructure is not constructed, provided that security in the form of a surety or cash performance bond is posted with the Board of County Commissioners and made payable to the County in an amount equal to 110 percent of the full cost of installing the remaining required improvements approved by the County for each phase of development. Upon County acceptance of any portion of the infrastructure, the surety or cash performance bond may be adjusted and renewed at any time at 110 percent of the cost of completing remaining required improvements until completion. The Board may also accept letters of credit or escrow account agreements or other forms of security provided the County Attorney approves the document.

Construction trailers, sales centers and model homes. Model homes, sales centers, sales offices, construction offices, and other uses and structures related to the promotion and sale of real estate shall be permitted as either “wet” or “dry” facilities. A “dry” facility allows for the issuance of a building permit for a structure to be used temporarily under a conditional certificate of occupancy for sales, display and promotion before connections to a central water and wastewater utility are available. “Dry” facilities are not to be occupied by sales staff. Connections to a central water and wastewater utility are required for a “dry” facility to be converted for permanent certificate of occupancy as a dwelling unit. A “wet” facility is equipped with water and wastewater and can be occupied by sales staff and used for sales, display and promotion under a conditional certificate of occupancy. “Wet” facilities may use septic tanks or holding tanks for waste disposal subject to the Florida Administrative Code, and may use potable or irrigation wells. Connections to a central water and wastewater utility are required for a “wet” model home to be converted for permanent certificate of occupancy as a dwelling unit.

1. For each subdivision, the maximum allowable number of model homes is ten (10) or ten percent (10%) of proposed dwelling units within the subdivision, whichever is greater.
2. Both “wet” and “dry” facilities may be constructed upon building permit approval following the first round of County review for plat approval, prior to final plat.
3. A “wet” facility may be served by a temporary utility system with ultimate connection to the central system. Interior fire protection facilities in accordance with NFPA requirements are required unless a permanent water system is available.
4. A water management plan shall be provided which accommodates water run-off from the facility, parking areas, access road/driveway and other impervious surfaces.
5. Site Plan approval is required for sales centers and for “wet” models to function as sales offices. Site Plan approval is not required for single family “dry” models or construction trailers.

1 **Sec. 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage**

2 (a) *Purpose.* The purpose of this Section is to provide reasonable limits on the outside storage and
3 display of equipment and merchandise. These standards ensure that such display and storage
4 contribute to the normal activities of a use while not creating a public health or safety hazard or a
5 nuisance.

6 (b) *Applicability.*

7 All outdoor uses regulated by this Section shall require a Special Exception except when the total
8 area used for outdoor retail sales and storage is 10% of the total leasable square footage of the
9 primary building or 300 square feet, whichever is less.

10 (c) *Accessory Outdoor Retail Sales, Display, and Storage*

11 (1) *Accessory Outdoor Retail Sales, Display*

12 Outdoor retail sales and display that is accessory to a principal use must meet the following
13 minimum standards:

- 14 i. All vending machines shall be located within a roofed shelter and architecturally consistent
15 with the principal structure.
16 ii. Sales areas may not occupy any required parking spaces, including any handicapped
17 spaces.
18 iii. Sales areas shall be arranged to allow at least four feet of clear passage along the
19 sidewalk or pedestrian way.
20 iv. Galvanized or slatted chain link fencing may not be used to enclose sales areas.

21 (2) *Accessory Outdoor Storage*

22 Outdoor storage that is accessory to a principal use, excluding parking for fleet vehicles, must
23 meet the following minimum standards:

- 24 i. Storage areas are not permitted in front of the wall of the principal structure that is parallel
25 to the front lot line.
26 ii. Where items are stored in stacks or piles, the height shall not exceed 8 feet.
27 iii. Storage areas shall be screened with a minimum of 8 foot tall opaque wall or fence.
28 iv. Storage areas may not occupy any required parking spaces, including any handicapped
29 spaces.

30 (3) *Outdoor Market and Exhibition Space*

31 Outdoor markets and exhibition spaces must meet the following minimum standards:

- 32 i. Prior to establishment of the use, Site Plan approval must be obtained.
33 ii. All electrical systems shall require an electrical permit and inspection.
34 iii. All lighting shall be directed away from adjacent properties.
35 iv. Any amplified sound shall be directed away from adjacent residential properties.
36 v. Adequate sanitary facilities must be provided.

1 **Sec. 3-9-62. Assisted Living Facility (ALF)**

2 This section provides minimum regulations and standards for an Assisted Living Facility (ALF).

3 (a) *Location.*

4 (1) An ALF shall be a Permitted or Conditional Use within the RMF-T, OMI, CG, CN, and CT zoning
5 districts.

6 (2) An ALF providing services for six or less clients is a Permitted Use within the AG, RE, RSF,
7 RMF, and MHC zoning districts.

8 (3) An ALF providing services to seven or more clients is permitted only by Special Exception within
9 the AG, RE, RSF, RMF, and MHC zoning districts.

10 (4) Within the MHP district, an ALF may be permitted only by Special Exception.

11 (5) No ALF in a single-family residential zoning district, or generally located off major roadways
12 within the Established Single-family Neighborhood, shall be located less than 1,000 feet from an
13 existing ALF in a single-family residential zone or Established Single-family Neighborhood, as
14 documented by the appropriate County Department. The distance shall be measured from the
15 nearest point of the existing ALF to the nearest point of the proposed ALF. An ALF which is in
16 existence on the effective date of this section in a single-family residential zone, or generally
17 located off major roadways within the Established Single-family Neighborhood, which has been
18 licensed by the State and which is presently located within 1,000 feet of another ALF, shall not
19 be considered nonconforming.

20 (b) *Development Standards.*

21 (1) An ALF shall meet the development standards applicable to the zoning district in which they are
22 located, and it shall meet all applicable "Special Regulations" set forth in Article III of this
23 Chapter.

24 (2) For an ALF in a residential zoning district, no external evidence of such use, distinguishing the
25 ALF from a regular dwelling, shall be visible from adjacent properties, public or private, except a
26 sign with a maximum area of four square feet within a single-family zoning district, or a
27 maximum area of 12 square feet within a multi-family zoning district.

28 (3) The requirements and standards of the appropriate State Department shall be met and
29 evidence of current appropriate State licenses must be shown.

30 (4) Compliance with the terms of this section and documentation issued hereunder with regard to
31 zoning compliance are not a substitute for or exemption from the requirements of County
32 Occupational Licenses.

33 **Cross reference**— Definition of Assisted Living Facility, § 3-9-2.

1 **Sec. 3-9-64. Alcoholic Beverages**

2 No bar, cocktail lounge, nightclub or tavern shall be located less than 1,000 feet from an established
3 school, which distance shall be measured on a straight line connecting the closest point of the structure of
4 such bar, nightclub, cocktail lounge or tavern to the closest point of the structure of such school unless a
5 Special Exception is approved by the Board of Zoning Appeals. If a school shall be located within 1,000
6 feet of any established bar, cocktail lounge, nightclub or tavern, such established use or structure (bar,
7 cocktail lounge, nightclub or tavern) shall not be deemed a nonconforming use or structure. For the
8 purpose of this section, "school" shall mean a public or private facility devoted to primary, secondary or
9 advanced education. The sale of alcoholic beverages for on-premises consumption in conjunction with a
10 private club shall be considered to be an accessory use provided that such sale and consumption be
11 restricted from public access or use.

Sec. 3-9-65. Boating Structures

(a) General

- (1) For the purposes of this section, boating structures shall include all boat docks, boat ramps, boat lifts, marine elevators, pilings, boat shelters or other structures as determined by the Zoning Official or his/her designee. Where non-commercial boat docks are constructed as the principal use on a vacant property, fences, walls and boat lifts shall be permitted as accessory uses and structures.
- (2) No boating structures shall be constructed without the issuance of a building permit.
- (3) No boating structures shall be permitted in the waters of the Gulf of Mexico.
- (4) Boating structures are required to meet the minimum side yard requirement set forth in the zoning district in which the property is located except as otherwise permitted in this section.
- (5) At the end of canals boating structures must remain within an area determined by extending a line from each corner of the canal on a 45 degree angle to the mid point of the canal. Where two properties share a property line at the end of a canal the property line will extend in to the canal to establish division between the properties.
 - (a) Boating structures at the end of canals with less than 75 feet of water frontage must maintain a 10% side setback as determined by the portion of the property that abuts the water.
- (6) Unwalled roofed areas are permitted on boating structures provided the overhang extends no more than two feet seaward of the permitted dock or boat lift.
- (7) All mooring pilings, docks, lifts and exposed boat lift cradles located in a canal more than 15 feet seaward of the seawall or mean high waterline shall be marked with white or yellow reflectors, and the top three feet shall be painted white. Docks extending more than 15 feet seaward of the seawall or mean high water line shall be required to mark only the two outermost pilings with reflectors.
- (8) No boating structures shall fall within a State Sovereign Submerged Land easement granted to the County unless approved by the County.
- (9) No boating structures shall impede safe navigation nor shall any such structures extend into the navigable channel.
- (10) This section, except that portion requiring a building permit, shall not apply to structures within a three-sided basin, provided, however, that all three sides of the basin and the underlying basin bottom land are under unitary ownership and control.
- (11) If the requirements of this section cannot be met, an application for a Special Exception may be filed in accordance with the procedures of Section 3-9-6.2, Special Exceptions.

(b) Boating Structures on Waterbodies

- (1) In natural bodies of water, including those which have been altered or dredged, no boating structures shall be erected nearer to the centerline of an open water span or edge of marked channel than 15 feet, nor shall any structures extend from the mean high waterline more than 25 percent of the open water span at the point of installation, or less than 15 feet from the centerline of the open water span or edge of marked channel, whichever is less. The edge of the marked channel shall be considered the straight line drawn between successive channel markers.
- (2) On man-made bodies of water, such structures shall not extend further seaward than 25 percent of the open water span or 25 feet from the mean high waterline or seawall at the point of installation, whichever is less.

Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-65. Boating Structures

- (3) Signs prohibiting mooring shall be posted on the seaward end of any boat structure that extends the maximum length into a waterbody as permitted in this section.
- (4) The open water span shall be measured from seawall to seawall or mean high waterline to mean high waterline at point of installation. County staff will verify the open water span of a water body at the applicant's request with a review fee.
- (5) Boating structures shall be designed to prevent or minimize impacts to grass beds and other biologically productive bottom habitats. Where a boating structure is in conflict with subsections (b) (1) or (2) of this article, an extended length may be permitted where necessary to prevent impacts to grass beds and other biologically sensitive bottom habitats. A benthic survey prepared by an environmental professional may be required by the Zoning Official or his/her designee.
- (6) The length of boating structures shall be sufficient to provide for a minimum water depth of minus four (-4) feet mean low water. Where a boating structure is in conflict with subsections (b)(1) or (2) of this article, an extended length may be permitted where necessary to obtain minus four (-4) feet mean low water. A bathymetric survey verifying sufficient depth shall be required from a licensed professional.
- (7) A water depth of less than minus four (-4) feet mean low water may be permitted if it can be demonstrated that the lesser depth will not result in boat impacts to sensitive bottom communities.

(c) Boat Ramps

- (1) In the event separate access is created for a boat ramp from a public right-of-way, a permitted driveway apron must be built in accordance with the requirements of the Charlotte County Code of Ordinances.
- (2) Seawall removal in conjunction with boat ramp construction must be done in accordance with the requirements of the Charlotte County Code of Ordinances.
- (3) Boat ramps are required to meet a minimum side yard setback of six feet in all zoning districts.
- (4) Boat ramps in residential zoning districts shall not be used for commercial purposes.

Cross reference— Boats, docks and waterways, Ch. 3-1. & Article XV. Surface Water and Wetland Protection, Sec. 3-5-348. Standards.

1 **Sec. 3-9-65.1. Boats Used for Living Purposes; Houseboats**

- 2 (a) *Generally.* Living aboard boats and houseboats is prohibited in any district except within a marina as
3 an accessory use approved by Site Plan Review process in accordance with this section.
- 4 (b) *Procedure.* All applications for approval of such accessory use must meet the following standards:
- 5 (1) *Water supply.* An adequate, safe and potable supply of water shall be provided in compliance
6 with all applicable governmental regulations. Whenever a municipal or public water supply is
7 available to the marina, such water supply shall be used. At least one service connection shall
8 be provided for each boat slip consisting of at least a water hydrant and the necessary
9 appurtenances to protect it against backflow and siphonage.
- 10 (2) *Toilet facilities.* In addition to those required for employees, not less than the following toilet and
11 bathing facilities contained in central units for men and women shall be provided: For women:
12 One toilet for each 15 boat slips or fraction thereof, one lavatory for each 20 boat slips or
13 fraction thereof and one shower bath for each 20 boat slips or fraction thereof. For men: One
14 toilet for each 20 boat slips or fraction thereof, one urinal for each 25 boat slips or fraction
15 thereof, one lavatory for each 20 boat slips or fraction thereof and one shower bath for each 20
16 boat slips or fraction thereof.
- 17 (3) *Sewage disposal.* An adequate and safe method of sewage collection, treatment and disposal
18 shall be provided in compliance with all applicable governmental regulations. Whenever a
19 municipal or public sewer system is available to the marina, such system shall be used.
20 Equipment shall be provided for the pumping of sewage holding tanks and for the disposal of
21 the effluent therefrom. No sewage shall be discharged at any time into the water.
- 22 (4) *Garbage and refuse disposal.* Storage, collection and disposal of garbage and refuse shall be
23 so managed as to prevent the creation of nuisances, odors, rodent or insect breeding areas,
24 accident hazards or air pollution. All garbage shall be stored in tightly covered impervious
25 containers provided in sufficient number to prevent garbage from overflowing. Refuse shall be
26 stored, transported and disposed of in accordance with the provisions of all applicable
27 governmental regulations.
- 28 (5) *Office and manager.* Live-aboard marinas shall be supervised by a manager. Each marina shall
29 provide office space for the use of the manager.
- 30 (6) *Registration of patrons.* All persons living aboard boats shall register immediately upon docking.
31 Registration records shall contain the name, mailing address and street address of the boat
32 owner or operator, and the name, if any, and registration number of the boat. Such records shall
33 be preserved and available on request of the Zoning Official, property appraiser, law
34 enforcement officers or other public officers.
- 35 (7) *Rules and regulations to be posted and enforced.* Each marina owner or operator shall enforce
36 and post rules providing at least the following:
- 37 a. *Occupant responsibility.* Each occupant of the marina shall be required to use the sanitary
38 facilities or sewer disposal facilities furnished by the marina.
- 39 b. *Condition of boats.* All live-aboard boats except those docked for emergency repairs must
40 be capable of getting under way under their own power within 24 hours.
- 41 (c) *Conflict.* If these standards conflict with any state or federal regulation, the more restrictive shall
42 apply.

1 **Sec. 3-9-66. Bridgeless Barrier Islands**

2 This section provides for a maximum residential density on those barrier islands having no access by
3 road from the mainland.

4 (a) All parcels one acre or greater in size (as of October 22, 1990) shall be limited to a density of
5 one unit per gross acre, except where vested rights relating to allowable densities are
6 determined to exist under the vested rights provisions of Chapter 3-10 of this Code. It is not the
7 intent of this provision to exempt these areas from any applicable concurrency requirements.

8 (b) All legally created parcels (as of October 22, 1990) less than one acre in size shall have an
9 allowable density of one unit per parcel, except where vested rights relating to allowable
10 densities are determined to exist under the vested rights provisions of Chapter 3-10 of this
11 Code. It is not the intent of this provision to exempt these areas from any applicable
12 concurrency requirements.

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Sec.3-9-68. Communication Towers

1 **Sec. 3-9-68. Communication Towers**

2 (a) *Exempt Telecommunication Facilities.*

3 (1) The following telecommunication facilities are exempt from the provisions of this Section,
4 provided they do not exceed 50 feet in height or the maximum height allowed by the zoning
5 district, whichever is greater.

6 (2) Non-commercial freestanding or structure-mounted "receive only" antennas three meters or
7 less in diameter that receive direct broadcast services.

8 (3) Amateur radio antennas and towers.

9 (4) An antenna or tower used as an accessory use to emergency services.

10 (5) Temporary towers associated with a special event may be permitted for a limited period of
11 time by the county as part of the event.

12 (6) Temporary towers necessary to aid in post-disaster relief efforts.

13 (b) *Co-location Requirements.*

14 (1) All proposed telecommunication facilities shall co-locate with existing facilities wherever
15 possible or the applicant must demonstrate that no existing telecommunication facility or
16 alternate support structure within the applicant's geographic search area is reasonably
17 available to support the applicant's facility. The applicant must demonstrate that the existing
18 facilities or alternate support structures located within the geographic area meet one of the
19 following criteria:

20 a. They are not of sufficient height to meet the applicant's engineering requirements.

21 b. They do not have sufficient structural strength to support the applicant's proposed
22 antenna and related equipment.

23 c. They do not have sufficient space to allow the applicant's antenna and related
24 equipment to function effectively and reasonably in parity with other similar equipment.

25 d. They are unavailable for lease under a reasonable leasing agreement.

26 e. They would result in electromagnetic interference with or by the antenna.

27 f. They have other limiting factors, including adverse economic reasons, that render an
28 existing facility or alternate support structure unsuitable. Costs over the life of the
29 applicable lease in excess of the cost of permitting and constructing a new facility shall
30 be presumed to create an adverse economic reason.

31 (2) Co-locating on an existing tower or alternate support structure which must be modified or
32 reconstructed to accommodate the co-location shall be considered a permitted use and
33 may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's existing
34 height provided it does not exceed the Federal obstruction standards set forth in 14 CFR
35 part 77.

36 (3) Alternate support structures to which an antenna may be attached include, but are not
37 limited to, commercial, office, and industrial buildings, multifamily residential buildings,
38 mixed use buildings, water tanks, utility and light poles, poles at publicly-owned facilities,
39 athletic facilities, or other structures not originally designed as antenna mounts.

40 (c) *Additional Application Requirements.*

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Sec.3-9-68. Communication Towers

1 In addition to the standard application requirements, the following information shall be submitted
2 upon application for any telecommunication facility:

- 3 (1) Special Exception application including all specified supporting documentation.
- 4 (2) Copies of letters to and all responses from other entities owning or using non-exempt
5 communication towers, inquiring whether said entities have a need to co-locate antennas or
6 have tower space available for co-location of antennas. All letters shall be sent certified
7 mail, return receipt requested. The County shall maintain a list of telecommunication
8 service providers which shall be considered the minimum contact list.
- 9 (3) A statement from the Florida Fish and Wildlife Conservation Commission (FWC) stating
10 that the proposed tower meets all required setbacks from any nesting locations for birds
11 listed as protected species in the FWC's Official Lists of Endangered and Potentially
12 Endangered Fauna and Flora in Florida or its successor.
- 13 (4) For proposed facilities taller than 200 feet, a statement from the FAA stating that the
14 proposed tower is determined not to be a hazard to air navigation.
- 15 (5) The applicant's geographic search area as set forth by engineering report and the existing
16 towers or suitable alternate support structures within such geographic search area. If the
17 applicant is not a service provider, the applicant must submit a letter from a service
18 provider indicating their intent to use the tower. The geographic search area and other
19 relevant data will be based, at minimum, on the service provider's need.
- 20 (6) The type of tower or supporting structure.
- 21 (7) The height of the tower including antennas above ground and above MSL.

22 (d) *Conditions of Approval.*

- 23 (1) General Requirements
 - 24 a. Telecommunication facilities shall not have any form of advertisement attached or
25 otherwise affixed.
 - 26 b. Telecommunication facilities shall not be illuminated except as required by Federal,
27 State, or local laws or regulations or as a condition attached to a Special Exception.
 - 28 c. Development of a telecommunication facility site shall be subject to the Habitat
29 Preservation provisions of this Code.
 - 30 d. No telecommunication facility shall be constructed on any property containing a rare
31 vegetation community including, but not limited to, forested wetlands, tropical hardwood
32 hammock, sandhill, or xeric oak scrub if the construction or maintenance of the
33 proposed facility would cause the destruction of any portion of the rare vegetation
34 community.
 - 35 e. The owner of any telecommunication facility must provide the County with the name,
36 address, and telephone number of a contact person or persons to address or repair
37 any problems with the tower. This information must be posted prominently at the
38 facility and updated within 30 days in the event of any changes. Failure to comply with
39 the requirement to provide and post the contact person information shall be a violation
40 of this Section.

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Sec.3-9-68. Communication Towers

- 1 f. If high voltage is necessary for the operation of the facility, signs displaying in large
2 bold letters "HIGH VOLTAGE – DANGER" shall be located every 20 feet and attached
3 to the fence or wall. In the case of structure-mounted antennas, signs shall be placed
4 within ten feet of the antenna.

- 5 g. A fence or wall at least eight feet in height shall be provided around each facility
6 located on the ground. Access to the facility shall be through a locked gate. Structure-
7 mounted facilities shall be located and designed to be accessible to authorized
8 personnel only.

- 9 h. Except where prohibited by a Zoning Overlay District or other provisions of this Code,
10 structure-mounted antennas are permitted up to a height of 20 feet above the existing
11 height of the structure. The antenna shall be an unobtrusive color and where feasible
12 the design elements of the building such as parapet walls, screen enclosures, or
13 mechanical equipment shall screen it.

- 14 i. Any tower located in a residential zoning district shall be required to be a monopole.

15 (2) Setback Requirements

- 16 a. All telecommunications facilities shall meet the following setbacks:
 - 17 (1) Any new tower, equipment enclosures and ancillary structures shall be set back
18 from all interior and rear lot lines a minimum of ten (10) feet and shall meet the
19 minimum setback requirements for the zoning district where it is located for the
20 front lot line, except that where the minimum setback distance for the tower from
21 any residentially zoned property line, public right-of-way, emergency evacuation
22 route, existing school, or existing residential dwelling unit, is less than the height
23 of the proposed tower, the minimum setback distance shall be increased to the
24 height of the proposed tower, unless the tower will be constructed using
25 "breakpoint" design technology, in which case the minimum setback distance
26 shall be equal to 110% of the distance from the top of the tower to the
27 "breakpoint" level of the tower. For example, on a one hundred (100) foot tall
28 monopole tower with a breakpoint at eighty (80) feet, the minimum setback
29 distance would be 22 feet (110% of twenty (20) feet, the distance from the top of
30 the tower to the "breakpoint).
 - 31 (2) Certification by a professional engineer licensed by the State of Florida of the
32 "breakpoint" design and the design's fall radius must be provided together with
33 the other information required herein by the applicant.

- 34 b. All towers shall comply with regulations for height restrictions in airport zones of the
35 Federal Aviation Administration, Federal Communication Commission and the Florida
36 Department of Transportation, Division of Aeronautics, or a municipal or other airport
37 authority qualified by law to establish airport hazard zoning regulations.

- 38 c. All towers shall be engineered so that in case of collapse, all parts of the structure will
39 fall within the site.

- 40 d. Multiple towers on a site must be located at least as far from each other as the height
41 of the taller tower.

- 42 e. Multiple towers on a site must be located at least as far from each other as the height
43 of the taller tower.

(e) *Replacement.*

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Sec.3-9-68. Communication Towers

- 1 (1) Any replacement telecommunications tower seeking to increase the height of the existing
2 tower shall be required to modify the existing Special Exception.
- 3 (2) Any replacement telecommunications tower without increase in height shall follow the
4 existing Special Exception.
- 5 (3) Any replacement of the existing tower which did not receive a Special Exception approval
6 shall be required to obtain a Special Exception.
- 7 (4) The replacement telecommunications tower shall be located on the same parcel or lot as
8 the original tower.
- 9 (5) If the existing telecommunications facility is nonconforming, the applicant demonstrates that
10 the proposed replacement tower will mitigate the nonconformity. This demonstration might
11 be in the form of a change in design (for example from a lattice-style to a monopole style
12 tower or a reduction in height) or in providing additional setbacks or buffers than those that
13 apply to the existing tower.
- 14 (6) The existing telecommunications facility being replaced is removed within one hundred
15 twenty (120) days after completion of construction of the replacement telecommunications
16 facility.
- 17 (7) Upon administrative approval, the replacement telecommunications facility will be deemed
18 a legally conforming use.

19 (f) *Abandonment.*

20 If a telecommunication facility ceases to receive and transmit signals for a period of one year,
21 then the facility will be deemed to be abandoned. The owner/operator of the abandoned facility
22 shall be given 180 days after being provided with written notice of the determination of
23 abandonment, to either reactivate or dismantle and remove the facility. If the facility is not
24 removed or reactivated, the County may obtain authorization from a court of competent
25 jurisdiction to remove the facility and necessary support equipment and, after removal, shall place
26 a lien on the subject property for all direct and indirect costs incurred in the removal and disposal
27 of the facility and support equipment plus court costs and attorney fees. Where the County
28 determines that physical factors or the non-use constitutes an unsafe condition under the building
29 code, such building code provisions and process shall supersede any time elements set forth.

1 **Sec. 3-9-69. Conditional Uses and Structures**

2 **a. Purpose and Intent**

3 The purpose of this section is to provide rules and regulations for any uses and structures designated
4 as a "Conditional Use and Structure (C)" on the Use Table and listed in all Zoning Districts found in
5 Chapter 3-9. These conditions supplement, modify, or further explain rules and regulations found
6 elsewhere in this Chapter, and unless specifically stated to the contrary, apply to all Zoning Districts.
7

8 Regulations over and above those imposed by other Articles/Sections of this Chapter are necessary
9 for certain uses which, because of their uniqueness or potential for substantial impact on surrounding
10 land uses, warrant minimum standards that cannot be properly addressed in the development
11 regulations set forth in specific districts. The purpose of this section is to set forth the detailed
12 regulations, including but not limited to the bulk, layout, yard size, and lot area that apply to these
13 uses.
14

15 **b. Agricultural Uses**

16 1. 4H, FFA and similar uses and activities (RE)

17 (a) Official documentation showing proof of participation in 4H, FFA or similar programs must
18 be submitted to the County.
19

20 (b) The uses and activities must cease at the completion of the 4H, FFA or similar programs.
21

22 2. Domestic Animal Breeding, Boarding, and Training (RE)

23 (a) The property must be located in the Rural Service Area.

24 (b) Chickens shall be provided with a covered nesting box within an enclosed yard.
25 Enclosures shall only be permitted in side and rear yards and shall be sufficiently
26 screened from the street and neighboring properties.

27 (c) All enclosures shall be kept sanitary and free from accumulations of animal excrement
28 and objectionable odor, and constructed and maintained so as to prevent rodents or
29 other pests from being harbored underneath, within, or within the walls of the enclosure
30 and to protect from predators.

31 3. Farm Labor Housing (AG, EM)

32 (a) May consist of single-family detached, manufactured homes, or multifamily dwelling units,
33 but shall not be platted or sold.

34 (b) Must receive approval through Site Plan Review.

35 (c) The number of units shall not exceed the base density available on the agricultural
36 operation the housing is intended to serve. The full extent of the agricultural operation
37 shall be shown on the Site Plan Review application.

38 (d) Shall not occupy more than ten acres.

39 (e) All setbacks requirements must be double the minimum setback requirements.

40 (f) A copy of an approved permit for migrant labor camp from Environmental Health Office at
41 Charlotte County Health Department shall be provided as applicable. In addition, all rules
42 and requirements set forth in 381.008-381.00897, F.S. and Rule 64E-14 F.A.C., as may
 be amended, shall apply.

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- 1 4. Guest Home (see Sec. 3-9-69. g .7.(b))
- 2 5. Horse Stable (RE)
- 3 (a) All shelter structures shall be set back double the minimum setback requirements within
- 4 that district.
- 5 (b) Any manure stock piles shall be set back at least 100 feet from all lot lines.
- 6 (c) The minimize size of the property shall be one acre per horse.
- 7 (d) The property must be located in the Rural Service Area.
- 8 6. Livestock Breeding, Training, Boarding, and Grazing (PKR)
- 9 (a) The property must be located in the Rural Service Area.
- 10 7. Manufactured home (HUD), minimum requirement is Wind Zone 3. (AG, EM, ES)
- 11 (a) The property must be located outside of the Coastal High Hazard Areas.
- 12

13 **c. Commercial Uses**

14

- 15 1. Assisted Living Facilities (ALFs) (see Sec. 3-9-69. g. 1.)
- 16 2. Animal Hospital and Boarding Facility (OMI, CN)
- 17 (a). Outdoor runs are prohibited
- 18 3. Building Trades Contractor's Office (CG)
- 19 (a). No more than ten service vehicles shall be allowed to be parked on the subject site.
- 20 (b). No heavy equipment shall be allowed on the site.
- 21 (c). Storage yard shall not be allowed on the site.
- 22 4. Farm Equipment, Supply (CG)
- 23 (a). Any equipment over eight feet in height must be either stored in a completely enclosed
- 24 building or at least 50 feet from any residential zoning.
- 25 (b). Where items are stored outside in stacks or piles, the height shall not exceed 15 feet.
- 26 5. Laboratories, Class 1,2,3 (CG, IG, II)
- 27 (a). Provided central sewer is available.
- 28 6. Marina (RMF-T, CG)
- 29 (a). The property must have direct access to water.
- 30 7. Private Off-Site Parking (OMI, CG, CT, IG, II)
- 31 (a). Required parking may be located on a separate, non-adjacent lot from the lot on which
- 32 the principle use is located if the off-site parking complies with the following standards:
- 33 (1) Shall not be located more than 600 feet from the entrance of the building with which
- 34 it is associated.

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Sec. 3-9-69. Conditional Uses and Structures

- 1 (2) Shall not be separated from the use served by an arterial road unless a grade-
2 separated pedestrian walkway or crosswalk is provided or other traffic control or
3 remote parking shuttle bus service is provided.
- 4 (3) An unobstructed route along sidewalks or pedestrian walkways shall be provided
5 between the parking area and the associated site.
- 6 (4) In the event that an off-site parking area is not under the same ownership as the
7 principal use served, the County shall require an agreement between all property
8 owners, acceptable to the County Attorney's office. An executed agreement shall be
9 recorded with the Clerk of the Circuit Court by the applicant and recordation of the
10 agreement must take place prior to issuance of development approval.
- 11 (5) Shall not be used for the storage of commercial vehicles or equipment.

12 8. Vehicle Sales, Service and Rental (CG)

13 (a). Boat, Travel Trailer and Motor Vehicle Sales and Rentals, including Recreational
14 Vehicles and Campers.

- 15 (1) Outdoor parking of vehicles shall be screened by an opaque barrier when adjacent
16 to residentially zoned property.
- 17 (2) No maintenance, cleaning, or detailing of vehicles may be performed within 30 feet
18 of a residentially zoned property.
- 19 (3) No outdoor amplified sound systems if the property is immediately adjacent to
20 residential uses or zoning.
- 21 (4) Major repair such as engine work, body repair or major overhaul of vehicles shall be
22 in a completely enclosed building. Such repair shall be incidental to the sales and
23 rentals.

24 (b). Boat, Travel Trailer and Motor Vehicle Repair and Services, including Recreational
25 Vehicles and Campers.

- 26 (1) Outdoor parking of vehicles shall be screened by an opaque barrier when adjacent
27 to residentially zoned property.
- 28 (2) No maintenance, cleaning, or detailing of vehicles may be performed within 30 feet
29 of a residentially zoned property.
- 30 (3) No outdoor amplified sound systems if the property is immediately adjacent to
31 residential uses or zoning.
- 32 (4) Major repair such as engine work, body repair or major overhaul of vehicles shall be
33 in a completely enclosed building.

34 (c). Noncommercial Vehicle Rental

- 35 (1) Outdoor parking of vehicles shall be screened by an opaque barrier when adjacent
36 to residentially zoned property.
- 37 (2) No maintenance, cleaning, or detailing of vehicles may be performed within 30 feet
38 of a residentially zoned property.
- 39 (3) No outdoor amplified sound systems if the property is immediately adjacent to
40 residential uses or zoning.

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- 1 (4) Major repair such as engine work, body repair or major overhaul of vehicles shall be
2 in a completely enclosed building. Such repair shall be incidental to the
3 noncommercial vehicle rental.
4

5 **d. Debris and Waste Facilities**
6

7 1. Mini Transfer Station (IG, II)

- 8 (a). A 25-foot setback is required from all lot lines.
9 (b). A Type C buffer defined in Chapter 3-5 Article XVIII. Landscaping and Buffers is required
10 along all lot lines, and an opaque wall or fence is required when the site is adjacent to
11 any non-industrial or non-agricultural zoning district.
12 (c). The facility may be no larger than 10 acres.
13 (d). Piles of material, either prior to or following processing, may not exceed 15 feet in height.
14 (e). Volume reduction operation machinery may not be located within 150 feet of any of the
15 following:
16 (1) Residential use
17 (2) Residential zoning district
18 (3) School
19 (4) Park
20 (5) Hospital or other health care facility
21 (f). Any volume reduction operation machinery within 300 feet of any of the following shall be
22 enclosed in a structure with at least three sides and a roof, and with the open end facing
23 away from the listed use:
24 (1) Right-of-way
25 (2) Residential use
26 (3) Residential zoning district
27 (4) School
28 (5) Park
29 (6) Hospital or other health care facility

30 2. Recovered Materials Processing Facility (IG, II)

- 31 (a). A 25-foot setback is required from all lot lines
32 (b). A Type C buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers is required
33 along all lot lines and an opaque wall or fence is required when the site is adjacent to any
34 non-industrial or non-agricultural zoning district.
35 (c). Piles of material, either prior to or following processing, may not exceed 15 feet in height
36 (d). Volume reduction operation machinery may not be located within 150 feet of any of the
37 following:
38 (1) Residential use

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- 1 (2) Residential zoning district
2 (3) School
3 (4) Park
4 (5) Hospital or other health care facility
5 (e). Any volume reduction operation machinery within 300 feet of any of the following shall be
6 enclosed in a structure with at least three sides and a roof, and with the open end facing
7 away from the listed use:
8 (1) Right-of-way
9 (2) Residential use
10 (3) Residential zoning district
11 (4) School
12 (5) Park
13 (6) Hospital or other health care facility
14 3. Residential Household Hazardous Waste Collection Center (IG, II)
15 (a). A 25-foot setback is required from all lot lines.
16 (b). A Type C buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers is required
17 when the site is adjacent to any non-industrial or non-agricultural zoning district.
18 (c). The facility may be no larger than 20 acres.
19 (d). Volume reduction operation machinery may not be located within 150 feet of any of the
20 following:
21 (1) Residential use
22 (2) Residential zoning district
23 (3) School
24 (4) Park
25 (5) Hospital or other health care facility
26 (e). Any volume reduction operation machinery within 300 feet of any of the following shall be
27 enclosed in a structure with at least three sides and a roof, and with the open end facing
28 away from the listed use:
29 (1) Right-of-way
30 (2) Residential use
31 (3) Residential zoning district
32 (4) School
33 (5) Park
34 (6) Hospital or other health care facility
35 4. Waste Tire Collection Center (IG, II)
36 (a). A 30-foot setback is required from all lot lines.

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1 (b). A Type D buffer as described in Chapter 3-5. Article XVIII. Landscaping and Buffers with
2 an opaque wall or fence is required along all lot lines.

3 (c). Poles of material may not exceed 15 feet in height.

4
5 **e. Industrial Uses**
6

7 1. Automobile Wrecking and Salvage Yard (II)

8 (a). No storage of items is permitted within required front setback.

9 (b). The perimeter shall be buffered with:

10 (1) A Type D buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
11 interior lot lines abutting residential zoning districts regardless of the width of any
12 adjacent road or easement.

13 (2) A Type C buffer as defined in Chapter 3-5 Article XVIII. Landscaping and Buffers on
14 interior lot lines abutting commercial zoning districts regardless of the width of any
15 adjacent road or easement.

16 (3) A Type B buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
17 interior lot lines abutting IG or II zoning districts.

18 (c). Where items are stored in stacks or piles, the height shall not exceed 15 feet.

19 (d). Where items are stored in stacks or piles, the height over eight feet shall be stored at
20 least 50 feet from any residential zoned properties.

21 2. Building Trades Contractor's Office with Storage Yards On-Premises (IG)

22 (a). No storage of items is permitted within the required front setback.

23 (b). Storage yards shall be buffered with:

24 (1) A Type D buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
25 interior lot lines abutting residential zoning districts regardless of the width of any
26 adjacent road or easement.

27 (2) A Type C buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
28 interior lot lines abutting commercial zoning districts regardless of the width of any
29 adjacent road or easement.

30 (3) Where items are stored in stacks or piles, the height shall not exceed 15 feet.

31 (4) Where items are stored in stacks or piles, the height over eight feet shall be stored
32 at least 50 feet from any residential zoned properties.

33 3. Outdoor Storage (IG, II)

34 (a). No storage of items is permitted within required front setback.

35 (b). The perimeter shall be buffered with:

36 (1) A Type D buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
37 interior lot lines abutting residential zoning districts regardless of the width of any
38 adjacent road or easement.

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1 (2) A Type C buffer as defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
2 interior lot lines abutting commercial zoning districts regardless of the width of any
3 adjacent road or easement.

4 (3) A Type B buffer defined in Chapter 3-5. Article XVIII. Landscaping and Buffers on
5 interior lot lines abutting IG or II zoning districts.

6 (c). Where items are stored in stacks or piles, the height shall not exceed 15 feet.

7 (d). Where items are stored in stacks or piles, the height over eight feet shall be stored at
8 least 50 feet from any residential zoned properties.

9
10 **f. Public and Civic Uses**
11

12 1. Detox center and substance abuse center (OMI)

13 (a). Must be 1,000 feet from another detox center and substance abuse center.

14 (b). In a residential neighborhood, no external evidence of such use, distinguishing the living
15 facility from a regular dwelling, shall be visible from adjacent properties, public or private,
16 except a small sign with a maximum area of four square feet.

17 2. Transitional/Halfway Housing (RMF, OMI)

18 (a). Must be 1,000 feet from another transitional/halfway housing facility.

19 (b). In a residential neighborhood, no external evidence of such use, distinguishing the living
20 facility from a regular dwelling, shall be visible from adjacent properties, public or private,
21 except a small sign with a maximum area of four square feet.

22
23 **g. Residential Uses**
24

25 1. Assisted Living Facilities (ALFs) (RMF-T, OMI, CG, CN, CT)

26 (a) See Sec. 3-9-62. Adult Living Facilities

27 (b) All applicable requirements set forth in Florida Statutes shall apply.

28 (c) Within the Coastal High Hazard areas, such use shall have a direct access to a major
29 thoroughfare, such as Placida Road, Gasparilla Road, S.R. 776, or U.S. 41. Additionally,
30 the following requirements shall apply:

31 (1) The proposed building will be constructed to provide for either shuttering or
32 shatterproof glass in all windows.

33 (2) The facility will include an independent emergency power supply.

34 (3) The facility will provide a written emergency management plan under State of Florida
35 rules with the plan being submitted to and approved by the Charlotte County
36 Emergency Management Director.

37 2. Bed and Breakfast (AG, ES, EM, RE, RSF, MHC, RMF, RMF-T)

38 (a) Property owner shall reside on site.

39 (b) No more than two guest rooms shall be allowed.

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- 1 (c) Must have room for two off-street parking spaces for the operator and one space per
2 guest room.
- 3 (d) No more than one non-illuminated sign, not exceeding four square feet in area, may be
4 attached to the building on or next to the entrance.
- 5 (e) No external evidence of such use distinguishing the living facility from a regular dwelling
6 shall be visible from adjacent properties, public or private, except the aforementioned
7 sign.
- 8 (f) Shall register with the County as a Minor Home Occupation.
- 9 (g) Must obtain and keep an active business license from Charlotte County, also known as a
10 "Local Business Tax Receipt".
- 11 3. Boarding, Rooming House (RMF, RMF-T)
- 12 (a) Must be owner-occupied.
- 13 4. Clubhouse (RE, RSF, RMF, RMF-T, MHP, MHC)
- 14 (a). Must be under unified residential development.
- 15 (b). Restaurants or banquet facility for residents of the development and their guests are
16 permitted. Public restaurants or banquet facility shall be permitted only by a Special
17 Exceptional approval.
- 18 5. Cluster Housing (RE, RSF)
- 19 (a). Must be approved under the Site Plan Review process.
- 20 (b). Must meet the base density of the property.
- 21 (c). The subdivision may contain a golf course and/or clubhouse.
- 22 (d). See Sec. 3-9-67. Cluster Housing.
- 23 6. Conservation Subdivision (AG, EM)
- 24 (a) Follow PD process
- 25 7. Guest Home
- 26 (a) The property is located in the RSF, MHC districts.
- 27 (1) Provided the lot area shall be not less than twice the minimum lot area required for a
28 single-family dwelling.
- 29 (2) Must be under one ownership.
- 30 (3) Must comply with all development standards within the appropriate zoning district.
- 31 (4) Must be built of the same materials and in the same color scheme as the principal
32 dwelling.
- 33 (5) Impact fee shall be assessed as a dwelling unit.
- 34 (b) The property is located in the AG, EM, RE districts.
- 35 (1) Only one accessory dwelling unit shall be permitted for each single-family dwelling.
36 If necessary, one density unit shall be transferred onto the site, in accordance with
37 the Transfer of Density Units provisions of this Code.
- 38 (2) Must be under one ownership.

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- 1 (3) Must comply with all development standards within the appropriate zoning district.
- 2 (4) Must be built of the same materials and in the same color scheme as the principal
- 3 dwelling.
- 4 (5) Impact fee shall be assessed as a dwelling unit.
- 5 8. Horse Stable (RE) (see Sec. 3-9-69. b. (5))
- 6 9. Nursing Home (RMF, RMF-T)
- 7 (a) No external evidence of such use, distinguishing the living facility from a regular dwelling,
- 8 shall be visible from adjacent properties, public or private.
- 9 (b) All applicable requirements set forth in Florida Statutes shall apply.
- 10 10. Recreational Vehicle Use (MHP)
- 11 (a). No more than 1/3 of the sites may be occupied by recreational vehicles.
- 12 (b). The occupancy of recreational vehicles on any individual living site by any individual or
- 13 group of individuals shall be strictly limited to 180 days and no individual or group of
- 14 individual may re-establish occupancy of any individual living site until at least 30 days
- 15 following their departure. The County reserves the right to inspect occupancy records of
- 16 the park to ensure enforcement of this condition.
- 17 11. Single-family and Multifamily Residential (CT, OMI, RMF-T)
- 18 (a). Any property that was zoned CT or prior to October 7, 1997, shall have a residential
- 19 density of 15 units per acre. Any property that was zoned OMI prior to October 7, 1997,
- 20 shall have a residential density of ten units per acre. Any property that was zoned RMF-
- 21 T prior to October 7, 1997, shall have a residential density of six units per acre.
- 22 12. Subdivided lots with 50 foot wide frontage and 5,000 square foot lot. (RSF, MHC)
- 23 (a). The property must be located inside the Urban Service Area.
- 24 (b). Must meet the base density of the property.

Sec. 3-9-70. Debris and Waste Facilities

(a) Types of Debris and Waste Facilities

Debris and waste facilities shall be divided into Low Impact and High Impact Waste Facilities. Low Impact Waste Facilities shall be considered Conditional Uses, and subject to the conditions established in the appropriate Conditional Use provisions of this Code. High Impact Waste Facilities are considered to have significant impacts upon the health, safety, and welfare of the public and shall be considered Special Exception Uses.

(1) Exemptions

The following are exempt from the requirements of this Section:

- a. Backyard composting.
- b. Composting or anaerobic digestion of wastes generated on a farm, as part of agronomic, horticultural or silvicultural operations, for use on the farm as part of these operations.
- c. Open burning of land clearing debris as permitted by the State of Florida, provided all the material to be burned originates on-site and burning is on a temporary basis.
- d. The use of non-putrescible solid waste material for grade improvement done in conjunction with a building permit.
- e. The storage of non-putrescible fill material for future use.
- f. The disposal of clean debris in an excavation.
- g. The processing, management and disposal of solid wastes generated as a result of a major storm, tornado or other natural or manmade disaster when undertaken by, under the supervision of, or at the direction of a local, State or Federal agency.
- h. Facilities that have been identified in an overlay district that implements the U.S. 17 Corridor Planning Area, if such district contains siting and development standards for such facilities.

(2) Low Impact Waste Facilities

- a. Mini transfer station.
- b. Minor yard trash processing facility.
- c. Recovered materials processing facility.
- d. Waste tire collection center.
- e. Minor compost facility – Lot clearing debris only.

(3) High Impact Waste Facilities

- a. Auto salvage yard.
- b. Composting facility.
- c. Materials recovery facility.
- d. Soil treatment facility.
- e. Solid waste combustor.
- f. Solid waste disposal facility.
- g. Transfer station.
- h. Used oil processing facility.
- i. Waste tire processing facility.
- j. Waste tire site.

(b) Additional Application Requirements

(1) General

In addition to the standard application requirements, the following information shall be submitted upon application for any debris and waste facility (Copies of information submitted to other regulatory agencies will satisfy the following requirements where applicable):

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- a. Type of facility proposed.
 - b. An operation plan appropriate for the type of facility proposed, including the following information in narrative form:
 - (i) Anticipated type and source of material, as well as limitations on types and source of material.
 - (ii) Volume of material to be received, expressed in cubic yards per day or tons per day.
 - (iii) Time limitations related to storage of material.
 - (iv) Method of operation of the facility.
 - (v) Planned active life of the facility, the final design height of the facility, and the maximum height of the facility during its operation.
 - (vi) Source and type of cover material.
 - (vii) Methods of controlling odor, dust, litter, and vectors.
 - (viii) Method of management of byproducts from waste processing.
 - (ix) Emissions controls, including gas, leachate, and surface run-off.
 - (x) Hours of operation.
 - (xi) Operating parameters and test results of identical or, if not available, comparable equipment.
 - c. A site plan illustrating all structures, disposal areas, staging areas, special waste areas, internal drive aisles, parking areas, and other items required for operation of the proposed facility. Square footage and total floor area ratio of each building shall be labeled and total impervious surface area of the site shall be indicated on the plan.
 - d. A vicinity map or aerial photograph, taken no more than one year prior to the application, showing the facility site and relevant surface features located within 1,000 feet of the proposed facility.
 - e. A regional map showing the project location in relation to major roadways and population centers and how the location meets the setback requirements of this Section. Multiple maps may be submitted.
 - f. A regional map showing the haul routes to be utilized to haul material to the facility.
 - g. A closure plan.
 - h. A contingency plan appropriate for the type of facility to cover operational interruptions and emergencies such as fires, explosions, or natural disasters.
 - i. An emergency plan appropriate for the type of facility to respond to emergencies such as fires, explosions, or natural disasters.
 - j. A statement of how the applicant will demonstrate financial responsibility for the closing and long-term care of the facility.
 - k. An engineer's certification that the facility and all equipment thereof will meet or exceed the design requirements set forth by the State for this type of facility and all County requirements including the Industrial Performance Standards provisions of this Code.
 - l. Current and projected population and area to be served by the proposed site.
- (2) *High Impact Waste Facilities*
- a. In addition to the standard application requirements and the additional general waste and debris facility application requirements, the following information shall be submitted upon application for any High Impact Waste Facility:
 - (i) A needs analysis including market surveys, letters of commitment and contracts, and any other information required by the County.

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- a) For a solid waste disposal facility, the analysis needs to determine that the added disposal capacity is required in order to service permanent County residents.
- b) For all other facilities, the analysis must show how the facility will benefit permanent County residents.
- (ii) A traffic impact analysis evaluating the trip generation of the proposed facility including:
 - a) Ingress, egress, and access control to the site.
 - b) The impact(s) of the proposed facility on the transportation system which will support the proposed facility, including anticipated increases in road maintenance requirements.
 - c) The estimated public cost of maintaining the area's transportation system.
 - d) Any other information required by the County Engineer.
- (iii) A public facilities impact analysis evaluating the impacts of the proposed facility on schools, parks, hospitals, and potable water supplies within two miles of the proposed facility.
- (iv) An environmental impact analysis evaluating the impacts of the proposed facility on:
 - a) Conservation areas, aquatic preserves, and other natural water bodies within two miles of the proposed facility.
 - b) Endangered or threatened species which occur on or utilize the property on which the proposed facility is to be developed or occur on or utilize adjacent property (as known).
 - c) Air quality within one and one-half mile from the site, noting direction of the prevailing wind.
 - d) Wildlife habitat and native vegetative communities on the site.
 - e) Surface and groundwater quality within one-half mile from the site (the analysis must include a map showing all Class I surface waters, as defined by the FDEP, within 3,000 feet of the boundary of the subject property).
 - f) Impacts on any Class I waterways within the watershed where the site is located.
 - g) Any areas of the subject property that lie within the 100-year flood zone.
- (v) For facilities that receive and process, store, or dispose of putrescible waste outdoors, a map showing any licensed airport runways within six miles of the facility or a statement that none exist. If a runway is within six miles, evidence shall be supplied that the facility notified the affected airport and received acknowledgement of that notification.
- (vi) The following additional information shall be provided by an applicant for a solid waste disposal facility:
 - a) A plan of the site showing dimensions, locations of proposed and existing water quality monitoring wells or points, locations of soil borings, proposed plan of trenching or disposal areas, original elevations, proposed final contours, any previously filled waste disposal areas, and fencing. Cross sections shall be included showing both the original and proposed fill elevations. The scale of the plot plan shall not be greater than 200 feet to the inch.
 - b) Topographic maps at a scale of not greater than 200 feet to the inch with 5-foot contour intervals. These maps shall show the proposed fill area, any borrow

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area, access roads, grades required for proper drainage and cross sections of lifts, special drainage devices if necessary, fencing, and equipment facilities.

- b. Due to the complexity of the information required for these facilities, the review timeframe for applications in association with these facilities shall be extended by at least two months. The item shall not be placed on a Board of Zoning Appeals agenda until review is complete.
- c. All applications shall require review by the Charlotte County Solid Waste Division. This Division may suggest further siting, development and operational conditions based on the specific facility and the proposed plans. These conditions may be applied as conditions of approval.
- d. All applications shall require review by the Fire Marshall.

(c) High Impact Waste Facilities Approval Standards

A High Impact Waste Facility Use shall only be approved if positive findings of fact can be made for all of the following:

- (1) The proposed facility is appropriately sited as determined through review of the standards, requirements, analysis and facility operations plan.
- (2) Approval of the facility will not adversely affect the public interest.
- (3) The use and operation of the proposed facility will not endanger the public health or safety.
- (4) There is a need for the proposed facility or there is a benefit gained to the County by development of the facility.
- (5) The proposed facility is consistent with the adopted Charlotte County comprehensive plan.
- (6) Safe and adequate access to the facility exists or will be provided for general and emergency services.

(d) High Impact Waste Facilities Development Standards

- (1) Siting Criteria

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Resource		High Impact Waste Facility								
		Transfer Station	Composting Facility	Solid Waste Disposal Facility (SWDF)	Solid Waste Combustor (SWC)	Materials Recovery Facility (MRF)	Waste Tire Processing Facility (WTPF)	Waste Tire Site (WTS)	Soil Treatment Facility (STF)	Used Oil Processing Facility (UOPF)
Watershed Protection Overlay District	Tippen Bay and Long Island Marsh	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
	½ mile of creek system		Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
	¼ mile of creek system			Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
	All other areas of the Overlay			Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted

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Prime Aquifer Recharge Area	Not Permitted	Permitted		Not Permitted					
100 Year Floodplain		Not Permitted							
Wetlands		Not Permitted							
Wildlife Corridor Critical Linkages			Not Permitted		Not Permitted				

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Public Water System Wellhead Protection Area			Not Permitted		Not Permitted				
If developed residential density of more than two units per acre exists within a one-half mile buffer of the proposed facility site	Permitted	Permitted	Not Permitted	Not Permitted	Permitted	Permitted	Permitted		Permitted

Unless the table of above indicates permitted, the facility is not permitted.

(2) Location Setbacks

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Resources	High Impact Waste Facility								
	Transfer stations	Composting Facilities	SWDF	SWC	MRF	WTPF	WTS	STF	UOPF
Tippen Bay and Long Island Marsh	Not Applicable (N/A)	None	1,000 ft.	1,000 ft.	N/A	N/A	N/A	1,000 ft.	N/A
Shell Creek and Prairie Creek	N/A	1,500 ft.	3,000 ft.	3,000 ft.	N/A	N/A	N/A	3,000 ft.	N/A
Alligator Creek or any other identified potable water source such as wellheads	200 ft.	100 ft.	3,000 ft.	3,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	3,000 ft.	3,000 ft.	3,000 ft.	3,000 ft.
Other water bodies, including wetlands, except stormwater ponds entirely on-site	200 ft.	50 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	500 ft.
100 Year Floodplain	50 ft.	50 ft.	500 ft.	500 ft.	100 ft.	500 ft.	500 ft.	500 ft.	500 ft.
Residential use or residentially zoned property	200 ft.	100 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	200 ft.
School, park, hospital or other health care facility	200 ft.	100 ft.	1,000 ft.	1,000 ft.	200 ft. if all in an enclosed building; 500 ft. if not	500 ft.	500 ft.	500 ft.	200 ft.
Licensed and operating airport runway used by turbine powered aircraft	10,000 feet if the facility includes any outdoor storage, disposal or processing of waste, unless the applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft								
Licensed and operating airport runway used by piston engine aircraft	5,000 feet if the facility includes any outdoor storage, disposal or processing of waste unless applicant demonstrates that the facility is designed and will be operated so that it does not pose a bird hazard to aircraft								

Other location standards:

- (i) No facility that requires air quality permits from the US Environmental Protection Agency or Florida Department of Environmental Protection may be placed within one-half mile of any land designated with a Future Land Use Map designation that is primarily for residential use.

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(3) Other Development Standards

Facilities	Standards			
	Buffering	Setbacks from all property lines no outdoor storage, processing or disposal shall take place within the setback	Height of Outdoor Piles	Volume Reduction Operation Machinery
Transfer stations	Type D; opaque wall or fence around entire perimeter of facility	30 feet	20 feet	If within 300 feet of a right-of-way, residential use, residential zoning district, school, park, hospital or other health care facility, such machinery shall be enclosed in a structure with at least three sides and a roof, with the open end facing away from these elements.
Composting Facilities	Type C; 5 foot high berm or opaque fence required	*50 feet	40 feet	
SWDF	40 foot wide Type E; 5 ft. high berm with trees planted on top of berm or an opaque fence	250 feet	200 feet	
SWC	25 foot wide Type C buffer; opaque wall or fence around entire perimeter of facility	250 feet	40 feet	
MRF	Type D; opaque wall or fence around entire perimeter of facility	30 feet	25 feet	
WTPF	40 foot wide Type E; 5 ft. high berm with trees planted on top of berm or an opaque fence	250 feet	25 feet	
WTS	40 foot wide Type E; 5 ft. high berm with trees planted on top of berm or an opaque fence	50 feet	25 feet	
STF	Type C; 5 foot high berm or opaque fence required	30 feet	40 feet	
UOPF	Type C; 5 foot high berm or opaque fence required	30 feet	N/A	

(e) High Impact Waste Facility Financial Requirements

- (1) Following approval of a Special Exception for a High Impact Waste Facility but prior to any other development approvals, either the owner or the operator shall be bonded or insured, in an amount and form acceptable to the County Attorney, to guarantee the financial responsibility of both the owner and operator for any liability that may be incurred in the operation of the facility and to provide that, upon closure, abandonment, or interruption of operation of the facility for any reason, all appropriate measures are taken to prevent damage to human health, safety, and welfare; the environment; and private and public property. If these financial responsibilities are addressed through the State and Federal permitting requirements, that may satisfy the financial requirements. However, in granting approval to a facility pursuant to this Section, the County may require additional, reasonable bonding or insurance as deemed necessary to protect the public health, safety, and welfare.
- (2) Any bond or insurance obtained to satisfy this requirement shall be maintained in the amount established by the County and shall be maintained until the County determines that the owner and operator have satisfactorily closed the facility and until the County authorizes cancellation, modification, or liquidation of the bond or insurance.

(f) High Impact Waste Facility Inspections and Enforcement

- (1) Representatives from the County shall, no less than twice a year, inspect all facilities subject to this Section for compliance with the provisions contained herein. Such inspections will, at a minimum, verify that landscape buffers are being maintained in good order and that all materials found at the subject facility are allowed under the conditions of the permits and approvals issued for the facility.
- (2) Any County official having official business pertaining to the enforcement of this Section shall, upon identification, be admitted to the premises during regular business hours to conduct inspections and shall be given full and immediate access to the premises and all records required by this Section. Failure to admit a County official onto a facility shall constitute a violation of these regulations and a Stop Work order shall be issued. Upon issuance of a Stop Work order, the facility will immediately cease operations.
- (3) If, at any time during the operational life of the facility, it is determined that the facility is being operated in violation of the conditions of the permits, licenses or approvals which pose an immediate threat to the health, safety or welfare of the general public or surrounding properties, a Stop Work order shall be issued which shall remain in force and effect until the facility is brought into compliance with such conditions and damage to surrounding properties, if any, is remedied. For purposes of enforcement, each violation shall be considered a separate offense.

1 **Sec. 3-9-71. Essential Services**

2 Essential Services shall be permitted in CG, CTIG and II zoning districts and permitted by special
3 exception in AG, EM, ES, RMF-T, OMI, RE, RSF, RMF, MHP, MHC, RVP and CN zoning districts. The
4 term "essential services" shall include utility facilities, including sewage treatment plants and lift stations,
5 water wells, storage tanks, pumping stations, and water treatment plants; electric generating plants,
6 distribution, equipment storage and transformer stations; gas pumping, metering, processing, distribution
7 and storage; and telephone and cable television facilities. The term shall not include water wells,
8 treatment plants, and septic tanks which are not associated with a utility facility, nor shall it include
9 transmission and distribution lines. Essential services shall be required to comply with all other
10 requirements as set forth within the land development regulations. The following standards shall also
11 apply:

- 12 (1) New sewage treatment plants shall be no closer than 500 feet to any residential structure.
13 Expansion to existing sewage treatment plants shall be exempt from this setback requirement.
14 Additionally, sewage treatment plants, when a part of a manufactured home park or a
15 recreational vehicle park, shall be exempt from the above setback requirement.
- 16 (2) New water treatment plants shall be located no closer than 200 feet to any residential structure.
17 Expansion to existing water treatment plants shall be exempt from this setback requirement.
- 18 (3) Holding ponds required for the operation of sewage treatment facilities shall be required to be
19 set back a minimum 100 feet from any residential structure, or 50 feet from the residential
20 property line, whichever is greater. Measurement shall be from the residential structure or
21 property line to the edge of the water.
- 22 (4) No variance to the above minimum setback requirements shall be allowed.

1 **Sec. 3-9-72. Fences; Walls**

- 2 (a) In all residential districts except Residential Estate (RE), side and rear setback requirements shall
3 not apply to fences and walls six feet high or less behind the minimum front setback line, except for a
4 corner lot where a side property line abuts a road, the setback shall be a minimum of 7.5 feet of the
5 property line and meet the requirements set forth in Sec. 3-9-89, Visibility at Road Intersections.
6 Front setback requirements shall not apply to opaque fences or walls three feet high or less or
7 nonopaque fences or walls four feet high or less. Fences and walls exceeding six feet in height shall
8 maintain the minimum setback requirements set forth in each zoning district.
- 9 (b) In all nonresidential districts and the RE district, fences and walls located on lot lines shall not
10 exceed eight feet in height, except for a corner lot where a side property line abuts a road, the
11 setback shall be a minimum of 7.5 feet of the property line and meet requirements set forth in Sec. 3-
12 9-89, Visibility at Road Intersections. Front setback requirements shall apply to opaque fences or
13 walls for four feet or higher. Fences and walls exceeding eight feet in height shall maintain the
14 minimum setback requirements set forth in each zoning district.
- 15 (c) Fences charged with electricity are permitted only in Agriculture (AG), and Excavation and Mining
16 (EM) districts as well as in RE district with an approved Special Exception for agricultural uses.
- 17 (d) Barbed wire fencing shall be permitted only:
- 18 (1) In AG and EM districts;
- 19 (2) In commercial and industrial districts on top of fences or walls; and
- 20 (3) Around institutional uses and utility installations in any district.
- 21 (4) In RE district with an approved Special Exception for agricultural uses.
- 22 (e) Fences and walls exceeding six feet in height shall be permitted and must maintain the minimum
23 setback requirements set forth in each zoning district where the fence or wall is located.
- 24 (f) For the purpose of this section, the height of the fence or wall shall be measured from the finished
25 grade of the site, excluding berms.
- 26 (g) All fences and walls shall be installed with the finished side facing the adjacent property or the public
27 right-of-way. All fence posts must be located on the inside of the fence facing the property on which
28 the fence is located unless the fence is designed and constructed to look the same on both sides. No
29 element of fences and walls shall encroach on an adjacent lot or right-of-way.
- 30 (h) Gates, columns, posts, and finials may exceed the maximum height of the fence by no more than
31 one foot. Pergolas or arches associated with a gate or entrance may be permitted up to ten feet in
32 height.
- 33 (i) If the property abuts a waterbody, no fence or wall greater than four feet in height shall be permitted
34 closer than 10 feet to the Mean High Water line, seawall, or the property line, whichever is more
35 restrictive.
- 36 (j) Subdivision perimeter walls may be approved through a Site Plan Review process without
37 maintaining the minimum setback requirements set forth in each zoning district.

1 **Sec. 3-9-74. Home Occupations**

2 (a) *Purpose and Intent.* Some types of work can be conducted at home with little or no effect on the
3 surrounding neighborhood. It is the intent of this section to allow the operation of Home
4 Occupations as an accessory to the primary use in any residential dwelling unit and to regulate
5 them so that a neighbor, under normal circumstances, will not be disturbed or inconvenienced.
6 The following regulations are intended to allow residents to engage in a Minor or Major Home
7 Occupation while ensuring that it does not become a detriment to the character and livability of
8 the surrounding area.

9 (b) *General Conditions for Home Occupations.* The following conditions must be met and complied
10 with by all operators of any Home Occupation.

11 (1) Home Occupations shall be subordinate to the allowed principal residential use.

12 (2) Home Occupations shall be conducted only by a resident of the principal dwelling unit.

13 (3) No more than 20 percent of the gross floor area of a dwelling unit may be devoted to a Home
14 Occupation.

15 (4) The principal use of the dwelling unit shall at all times during the conduct of the Home
16 Occupation remain residential.

17 (5) Retail sales shall not be conducted on the premises, except via the internet, phone and mail.

18 (6) No more than one non-illuminated wall sign, not exceeding two square feet in area, may be
19 attached to the building. This sign must be on or next to the entrance.

20 (7) There shall be no exterior indication that the dwelling is being used for any purpose other
21 than a residence, other than an allowed sign. Examples of prohibited alterations include, but
22 are not limited to, construction of parking lots, paving of required yards, or adding
23 commercial-like lighting.

24 (8) There shall be no outside storage of materials used in connection with the Home Occupation.

25 (9) No equipment shall be used in connection with a Home Occupation which creates noise,
26 vibration, glare, fumes, odors, electrical interference, or requires the storage of hazardous
27 substances which are not typically incidental to a residential use.

28 (10) Deliveries or pick-ups of items associated with Home Occupations shall generally be
29 between the hours of 8:00 AM to 8:00 PM.

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Sec. 3-9-74. Home Occupations

1 (11) Any operator of a Home Occupation must obtain, and keep current for as long as the Home
2 Occupation is in operation, a business tax receipt from the Charlotte County Tax Collector,
3 also known as the "Local Business Tax Receipt".

4 (12) The following uses shall be prohibited from being operated as a Home Occupation.

5 a. Any type of repair, assembly, or storage of vehicles or equipment (such as automobiles,
6 motorcycles, marine engines, golf carts, lawn equipment or chain saws), or of large
7 appliances, such as washing machines, dryers, and refrigerators, or any other work
8 related to motor vehicles.

9 b. Any business where employees come to the site to be dispatched to other locations.

10 (c) *Minor Home Occupations.*

11 (1) Minor Home Occupations include, but are not limited to, Internet sales, professional or
12 paraprofessional services, consulting, home-made crafting, artist studios, and home offices.

13 (2) A Minor Home Occupation is allowed without the need for a Special Exception provided it
14 complies with all of the General Conditions established above as well as all of the following
15 conditions.

16 a. The Minor Home Occupation shall register with the County.

17 b. No customers or clients may come to the home at any one time.

18 c. Employees from outside the home are prohibited.

19 (d) *Major Home Occupations.*

20 (1) Major Home Occupations include, but are not limited to, beauty or barber shops, professional
21 or paraprofessional services, consulting, animal grooming, and home offices.

22 (2) A Major Home Occupation may be allowed as a Special Exception use provided it complies
23 with all of the General Conditions established above as well as all of the following conditions
24 and any conditions that may be added by the BZA.

25 a. No more than two customers or clients may visit the home at any one time.

26 b. Customers or clients may visit the home for purposes related to the Home Occupation
27 between the hours of 8:00 AM and 8:00 PM, unless different hours of operation are set
28 by the Special Exception.

29 c. In addition to residents of the home employed in the Home Occupation, the Board of
30 Zoning Appeals may approve additional employees from outside of the home.

31 d. Additional off-street parking spaces may be required by the BZA.

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- 1 e. The granting of a Special Exception to conduct a Major Home Occupation shall be
2 automatically conditioned upon continued compliance with all the requirements of this
3 section. Failure of the operator to meet these requirements shall empower the BZA to
4 revoke the Special Exception after notice and a public hearing.
- 5 f. The approval of a special exception for a Major Home Occupation shall expire upon
6 termination of the Home Occupation or a change in residency, whichever occurs first.
- 7 (3) Riding lessons in RE zoning district
- 8 a. The property must be located in the Rural Service Area.
- 9 b. No more than five students at a time are receiving riding instructions.
- 10 c. Shall also conform subsections (d)(2)b.- f.
- 11 d. An accessory tack shop may be permitted.

1 **Sec. 3-9-76. Junklike Conditions Prohibited**

- 2 (a) The dumping or storage of junk, including abandoned vehicles, trailers and watercraft, is prohibited
3 on any lot or within the public right-of-way unless such junk is stored in a completely enclosed
4 building in such a manner and under such conditions that the storage of such junk shall not
5 constitute a menace to the public health, safety, and generally welfare and thereby become a public
6 nuisance, or unless within a lot on which such use is permitted.
- 7 (b) A single unlicensed motor vehicle, which by outward appearance appears operable, is permitted to
8 be parked in the driveway of a developed lot.
- 9 (c) Upon the expiration of time for compliance as ordered by the Code Enforcement Board or other
10 approved methods, the County may cause the junk to be removed from the premises.
- 11 (d) The reasonable cost of such removal, and all incidental costs, shall be in addition to, and included in,
12 the fine imposed by the Code Enforcement Board and shall constitute a lien against the land on
13 which the violation exists and upon any other real or personal property owned by the violator,
14 pursuant to Chapter 162.09, F.S.

15

1 **Sec. 3-9-77. Manufactured Homes and Recreational Vehicles**

2 Manufactured homes in MHP and MHC districts shall be limited to one habitable story with
3 customary additions, including lanais, carports and storage units which are manufactured for combination.
4 Recreational vehicles used for temporary living purposes shall be allowed only in recreational vehicle
5 parks. Commercial storage of unoccupied recreational vehicles shall be conducted only in CG, RVP and
6 industrial districts. Commercial storage of unoccupied manufactured homes shall be conducted only in
7 CG, MHP and industrial districts.

1 **Sec. 3-9-78. Model Homes**

- 2 (a) *Generally.* Model homes may be permitted in areas zoned for such residential units after a building
3 permit has been obtained. A model home may be constructed in a commercial zoning district only if
4 constructed in compliance with the commercial building code and shall not be occupied for living
5 purposes. The model home shall not be required to comply with the commercial building code if, at
6 the time of application, an affidavit is submitted stating that the model home will be removed when it
7 ceases to be used as a model or that the structure will be brought into compliance if the use of the
8 structure is altered. Sales from temporary branch offices within models located in residential districts
9 shall be permitted only for the sale of units offered by the owners or developers provided that a
10 model home shall not be used as a contractor's office, general real estate office, or a resale listing
11 office unless such offices are located in zones permitting such occupations. The use of a model
12 home as a sales or rental office in a non-residential zoning district shall be conditioned on subsection
13 (b).
- 14 (b) *Parking.* Each model home shall provide a minimum of four parking spaces which shall be
15 accessible to the public. Parking shall conform to the following development standards:
- 16 (1) All required parking shall be graded and improved with asphalt, concrete, paver block, turf
17 block, brick, marl or shell.
- 18 (2) Each space shall be a minimum of nine feet wide by 18 feet long; except that driveways shall be
19 a minimum of 16 feet wide to allow for the parking of four vehicles (stacking of two deep is
20 allowed).
- 21 (3) Each space shall be clearly delineated.
- 22 (4) No parking shall be located within a road right-of-way.
- 23 (5) Required parking may be allowed on an abutting lot only when under the same ownership as
24 the model home. Proof of ownership shall be provided at the time of building permit application.
- 25 (6) All driveways must be graded and paved in accordance with the requirements set forth by the
26 county engineering department.
- 27 (c) Model homes constructed in a commercial zoning district shall not be used as a dwelling unit unless
28 the property is zoned OMI, CT and RMF-T prior to October 7, 1997.
- 29 (d) The following requirements shall apply to model homes constructed in a residential zoning district:
- 30 (1) The model home may be open between the hours of 8:00 AM and 8:00 PM.
- 31 (2) Model home sites are permitted a single Primary Sign no greater than 32 square feet in area,
32 which must be set back at least 20 feet from any adjacent lot.

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Sec. 3-9-79. Off-Street Parking and Loading Facilities

Sec. 3-9-79. Off-street Parking and Loading Facilities

- (a) *Intent.* The intent and purpose of this section is to ensure that all development provides for adequate storage and safe movement of vehicles in a manner consistent with the best practices of engineering and site design. This section is intended to require all uses to provide off-street parking on the premises it is intended to serve. (b) *Applicability.*
- (1) *New development.* All uses shall be required to provide off-street parking in accordance with the provisions of this section.
 - (2) *Expansion of Existing Uses.* Existing buildings or uses which are enlarged in terms of floor area or seating capacity shall, if necessary, provide additional parking spaces for the additional floor area or seating capacity in accordance with this section. Existing buildings and uses which have existing off-street parking spaces may be modernized, altered, or repaired without providing additional parking spaces, provided there is no increase in total floor area or capacity. This subsection does not apply to increased seating capacity in a shopping center.
 - (3) *Change of Use.* Any change in use of an existing building or unit thereof shall require additional off-street parking and off-street loading facilities for the new use in accordance with the requirements of this section unless:
 - a. The building, unit thereof, or use is located in a shopping center or an area with non-assigned common parking by deed or common public parking on a County right-of-way.
 - b. The building, unit thereof, or use is less than 2,000 square feet in floor area.
 - c. The new use has the same parking requirement or a less requirement than the previously existing use.
 - (4) *Non-conforming Parking.* Existing parking which does not conform to the standards of this section may not be reduced except through the use of an Alternative Parking Plan as provided in this section.
 - (5) *Non-parking uses of Parking Spaces.* Except for special events that receive a permit in accordance with the Special Event Permit requirements of this section, required on-site parking spaces shall only be used for parking.
- (c) *Definitions.* Unless otherwise specifically stated in this section, or unless otherwise clearly indicated by the context, the following terms when used in this section shall have the meanings indicated as follows:
- (1) *Park:* There are two types of parks, which are active parks and passive parks. Active parks are all recreational parks with the exception of those primarily used as nature trails, mitigation banks, or for environmental study and interpretation. Passive parks are any park facility not defined as an active use park herein.
 - (2) *Take-out Restaurant:* Any restaurant that is engaged in preparing and selling food primarily for off-site consumption by patrons. Take-out restaurants may offer limited seating for patrons, but do not typically provide waiter or waitress service. Such establishments may include bagel, coffee, and donut shops; pizzerias and sandwich shops; take-out restaurants; or any similar establishment as determined by the Zoning Official or his/her designee.
- (d) *Calculation.*
- (1) *Number of spaces.* When the determination of the number of off-street parking spaces required by this regulation results in a fractional space, the fraction shall be counted as one parking space.

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- (2) *Floor area.* Floor area shall be calculated as the sum of the gross floor area of all floors of a building as measured from the exterior faces of the exterior walls. Alternatively, the applicant may measure from the interior face of the exterior walls to arrive at a calculation of floor area provided that the applicant submits an affidavit, certified by a Registered Architect or Licensed Professional Engineer, as to its accuracy.
- (3) *Multiple and Accessory Uses.* If a site contains multiple uses that could each be considered principal uses, parking shall be provided for each use listed in the table.
- (e) *General Requirements.* Off-street parking shall be provided for all uses in accordance with the table below unless an adjustment to the parking requirement as permitted by this section is approved by the Zoning Official or his/her designee. Where a use is not specifically listed in this section, the Zoning Official shall determine the applicable parking requirement and, in doing so, shall take into consideration the development type(s) most similar to the proposed development and any parking study prepared in accordance with the requirements of this section.

Adjustments to Parking Requirements:

- (1) The required number of off-street parking spaces may be reduced by not more than ten percent of the total required number of off-street parking spaces where necessary to preserve existing trees in accordance with the standards of Section 3-9-100.3, Tree Requirements. This reduction in parking may be authorized by the Zoning Official or his/her designee. Any applicant seeking a reduction shall submit a site plan illustrating the improvements, parking area, and locations, sizes, and types of trees to be preserved. A narrative describing in significant detail the measures to be taken to ensure the survivability of the trees shall accompany the site plan. The Zoning Official or his/her designee shall review the submission and render a determination on the requested reduction. An appeal of this determination shall be heard by the Board of Zoning Appeals pursuant to Section 3-9-6.1, Administrative Appeals.
- (2) The required number of off-street parking spaces may be reduced as approved by the County Engineer or his/her designee. Any applicant seeking a parking reduction shall submit a parking study prepared by a Licensed Professional Engineer that provides justification for the requested reduction. At a minimum, the parking study shall address, where applicable:
 - a. The type of use(s).
 - b. Total square footage by use(s).
 - c. Estimated time of and number of spaces required at peak parking demand.
 - d. ADA-accessibility requirements.
 - e. Employment characteristics including, but not limited to, total number of employees and the number of employees per shift.
 - f. A description of any factors that may reduce or increase the parking demand

The applicant may choose to further support the proposed number of parking spaces by providing documentation on the experience of similar uses located in the same or other jurisdictions.

	Use	Minimum Off-Street Parking Requirement
1.	Art gallery and Museum	1 space/250 square feet of floor area
2.	Auto Body Shop, Automobile Service Station, Automobile	4 spaces/service stall plus 1 space/employee ⁽¹⁾

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	Quick Service	
3.	Automotive, Boat, Manufactured Home, Recreational Vehicle Sales or Storage	1 space/400 square feet of building floor area
4.	Bowling Alley	5 spaces/lane plus required parking for any other use on-site
5.	Building Materials/Sales and Garden Center	1 space/300 square feet of floor area
6.	Car Wash	2 spaces/washing stall or space plus drive up facilities
7.	Child Care Center, Preschool/Nursery School	2 spaces/employee ⁽¹⁾
8.	College, University, Trade, Vocational Schools	1 space/employee plus 1 space/2 students
9.	Dry boat storage	1 space/20 storage slips
10.	Essential and Emergency Service Facilities	1 space/employee ⁽¹⁾
11.	Funeral Home and Crematorium	1 space/250 square feet of floor area
12.	Furniture, Appliance, and Floor Covering Stores	1 space/400 square feet of floor area
13.	Golf Course	6 spaces/hole plus required parking for any other use on-site
14.	Health Clubs and Indoor Recreational Facilities ⁽⁶⁾	1 space/150 square feet of floor area
15.	Hospital	1 space/bed plus 1 space/3 employees ⁽¹⁾
16.	Indoor or Outdoor Market ⁽⁷⁾	1 space/100 square feet of display area
17.	Manufactured Home Park RV Park	2 spaces/manufactured home or RV site plus 1 space/500 square feet of floor area of office, laundry and recreational buildings and the like which are intended for the use by residents only
18.	Manufacturing	1 space/employee ⁽¹⁾ , plus 5 additional spaces for customers for facilities over 3,000 square feet
19.	Marina	1 space/10 docking slips and required parking for

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		accessory uses
20.	Medical and Dental Offices	1 space/150 square feet of floor area
21.	Mini-warehouse	1 space/6,000 square feet of building floor area
22.	Miniature Golf Course	2 spaces/hole plus required parking for any other use on-site
23.	Model Home ⁽²⁾	4 spaces/model
24.	Motel and Hotel ⁽³⁾	1 space/guest room plus 1 space/3 employees ⁽¹⁾
25.	Multifamily Dwelling	1.5 spaces/unit
26.	Nursing Home, ALF Group Home	1 space/4 beds
27.	Park	1 space per acre up to the first ten acres and 1 space for each additional 10 acres plus parking required for other recreational uses
27a.	Ball Fields	10 spaces/field
27b.	BMX Track, Playground, Skate Park	1 space/2,000 sq. ft. of park/track area
27c.	Swimming Pool	1 space/250 sq. ft. of pool area
27d.	Tennis, Handball, Racquetball and other Ball Courts	2 spaces/court, plus required parking for any additional uses on-site
28.	Places of Worship ⁽⁴⁾ ⁽⁵⁾	1 space/3 seats in the principal area of assembly (that being the sanctuary or chapel area)
29.	Elementary and Middle Schools	1 space employee ⁽¹⁾ plus 1 space/40 students
30.	High School	1 space/employee ⁽¹⁾ plus 1 space/2 students
31.	Research Laboratory	1 space/500 square feet of floor area
32.	Restaurants, Bars, Cocktail Lounges and Nightclubs	1 space/100 square feet of floor area
33.	Retail Sales and Services, Business Services, Professional Services, Clinics and Medical Laboratories (Includes All Offices except Medical and Dental Offices)	1 space/200 square feet of floor area
34.	Rooming or	1 space/bed

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	Boarding House	
35.	Shopping Center	1 space/200 square feet of floor area when less than 25,000 total square feet; 1 space/250 square feet of floor area between 25,000 square feet or more
36.	Single-family and Duplex dwelling	2 spaces/unit
37.	Take-out Restaurants	1 space/200 square feet of floor area
38.	Theaters, Auditoriums, and Places of Assembly, Private Clubs and Lodges ⁽⁵⁾	1 space/3 seats in the principal area of assembly plus 1 space/employee ⁽¹⁾
39.	Warehouse	1 space/400 square feet of floor area
40.	Wholesale	1 space/1,000 square feet of floor space plus 1 space/company vehicle
⁽¹⁾ Parking for employees shall be determined based on the number of employees on the largest shift during the Site Plan Review process. ⁽²⁾ In accordance with section 3-9-78: Model Homes. ⁽³⁾ Motels/hotels with a restaurant or lounge require 1 additional space/200 square feet of restaurant or lounge area. Motels/hotels located within 1500 feet of an interchange along I-75 shall provide 5% additional spaces with a minimum size of 10' x 40' for accommodation of trucks, motor homes, etc. ⁽⁴⁾ Up to 70% of the required parking spaces may be surfaced with a grass or lawn provided that these parking spaces are well-drained and surfaced with a durable grass cover. Driveways, handicapped spaces and access aisles shall be paved. ⁽⁵⁾ In the absence of a specified seating arrangement, the parking ratio shall be computed as every 15 square feet equals 1 seat. ⁽⁶⁾ Swimming pools shall be counted as floor area. ⁽⁷⁾ 100% of the overflow parking may be allowed non-paved surface.		

(3) In Community Redevelopment Areas, the off-street parking can be accommodated via public and/or private parking garages. The availability of parking spaces within these garages shall be determined by the Zoning Official or his/her designee. The need of the parking spaces within these garages can be determined by a parking study prepared by a Licensed Professional Engineer.

(f) *Drive-up facilities.* Any use providing drive-up facilities shall provide for the stacking of vehicles in accordance with the table below. Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street parking spaces. Any overflow from stacking lanes shall be contained on the subject site and shall not overflow onto adjacent properties under different ownership, the public right-of-way, or internal traffic aisles.

Use	Minimum Stacking Spaces ⁽¹⁾⁽²⁾
Banks and Financial Institutions	4 per service lane
Automated Teller Machine (ATM)	3 per service lane

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Restaurants	5 per service lane
Car Wash, Automatic	4 per service lane
Car Wash, Self-Service	2 per service lane
Other Drive-through Facilities	2 per service lane
⁽¹⁾ Stacking spaces shall be measured from the point of transaction (teller window, order box, or equivalent)	
⁽²⁾ Stacking spaces shall be a minimum of eight feet by twenty feet (8 x 20)	

(g) *Development standards.*

- (1) Required off-street parking spaces shall not encroach upon a public right-of-way, nor shall any required parking spaces be located in a dedicated parkway.
- (2) Off-street parking spaces shall be designed such that backing movements are accomplished within the limits of the property.
- (3) A full-size (standard) parking space shall be a minimum of nine feet wide by 18 feet long. Parallel spaces shall be a minimum of ten feet wide by 24 feet long.
- (4) ADA-accessible parking spaces shall be provided in accordance with Florida Statute and the Florida Accessibility Code within the Florida Building Code.
- (5) For non ADA-accessible parking spaces, driveways and aisles, the required parking shall be graded and paved with a hard surface of asphalt, concrete, or brick with the following exceptions:
 - a. Development on bridgeless barrier islands.
 - b. Bona fide agricultural uses.
 - c. Required parking associated with on-site, temporary construction offices.
 - d. Any parking that exceeds the required amount of parking defined by this section.
 - e. As otherwise permitted by the Zoning Official or his/her designee.
- (6) Each paved parking space shall be delineated by all-weather lines.
- (7) Any parking area required to accommodate the sale, rental, or repair of vehicles shall be provided in addition to the required number of off-street parking spaces for any such use and shall be dimensioned, graded and paved in accordance with the standards of this section or as determined by the Zoning Official or his/her designee.
- (8) All individual parking spaces shall be accessible at all times from an driving aisle intended to provide access to the space. Minimum aisle widths shall be as follows:

Angle of Parking	Aisle Width	
	One-Way	Two-Way
Parallel	12 feet	22 feet
45 degrees	12 feet	22 feet
60 degrees	18 feet	24 feet
90 degrees	20 feet	24 feet
In unique circumstances, 30 degree or 75 degree parking may be allowed at the discretion of the Zoning Official or his/her		

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designee.

- (9) Stacked parking of vehicles shall not be permitted except for stacking lanes as required by this section and single-family residential and duplex uses wherein one car may be parking behind another one. For multi-family residential, stacked parking of vehicles may be approved through the Site Plan Review process.
- (h) *Other.*
- (1) Except for special events such as seasonal promotions, sidewalk parking lot sales, fairs, carnivals, and tent sales, required off-street parking spaces shall not be used for sales, dead storage, repair, dismantling, or services of any type or kind, nor shall areas devoted to such activities count as meeting off-street parking requirements.
- (2) Required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve. Shared parking facilities for developments or uses with different operating hours or different peak periods may be permitted between properties if the shared parking complies with all of the following standards:
- a. Shared parking spaces shall be located within a quarter mile of the primary entrance of all uses served by such an arrangement. A distance greater than a quarter mile may be permitted subject to the approval of the Zoning Official or his/her designee.
 - b. All shared parking proposals shall be accompanied by a shared parking analysis that demonstrates the feasibility of the shared parking proposal and addresses, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peaking parking and traffic loads for all uses that will be sharing parking spaces. The shared parking analysis shall be prepared by a Licensed Professional Engineer or other individual as determined by the Zoning Official or his/her designee.
 - c. All shared parking proposals shall require an agreement between all property owners, acceptable to the County Attorney's Office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy shall be provided to the Zoning Official prior to the issuance of development approval. A shared parking agreement may be dissolved only if all required parking spaces will be provided in accordance with the provisions of this section.
 - d. Where the uses subject to a shared parking agreement change, the Zoning Official or his/her designee shall have the authority to require a revised shared parking analysis and a new shared parking agreement when the revised shared parking analysis indicates additional parking is required.
- (3) Required parking may be located on a separate, non-adjacent lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:
- a. No private off-site parking shall be located more than a quarter mile from the primary entrance of the building. Off-site parking may not be separated from the use served by an arterial road unless a grade separated pedestrian walkway is provided or other traffic control or remote parking shuttle bus service is provided.
 - b. Total parking spaces when combined or used together shall not be less than the sum of the requirements computed separately.

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- c. Any arrangement for combined off-street parking shall be subject to the recording of a legal instrument with the clerk of the court (reviewed by the county attorney), ensuring that such off-street parking will be maintained as long as the use or uses requiring such parking continue. The agreement shall contain a legal description of subject property, measures to ensure maintenance of said facility and shall be approved by the Zoning Official or his/her designee.
 - d. In the event that an off-site parking area is not under the same ownership as the principal use served, the County shall require an agreement between all property owners and the County, acceptable to the County Attorney's Office, that will run with the land until such time as the need is extinguished. An executed agreement shall be recorded with the Clerk of the Circuit Court by the applicant and a certified copy shall be provided to the Zoning Official prior to the issuance of development approval. An off-site parking agreement may be dissolved only if all required parking spaces will be provided in accordance with the provisions of this section.
 - e. Where the uses relying on an off-site parking area change, the Zoning Official or his/her designee shall have the authority to require a revised parking analysis and a new off-site parking agreement when the revised parking analysis indicates additional parking is required.
 - f. Off-site parking may not be used for the storage of commercial vehicles or equipment.
 - g. Off-site parking areas must be developed in accordance with all applicable provisions of the County Code of Ordinances.
- (i) *Off-street loading.*
- (1) Commercial and industrial operations with a floor area of more than 6,000 square feet shall provide space for loading and unloading operations in a manner that does not impede the free movement of vehicles and pedestrians over sidewalks, streets and alleys. Any deviation from this requirement may be approved by the Zoning Official or his/her designee.
 - (2) Every off-street loading and unloading space shall have direct access to a public street or alley and shall have the following minimum dimensions:
 - Length: 30 feet
 - Width: 12 feet
 - Height: 14 feet
 - (3) The required loading area shall be provided on the same lot or parcel it serves and shall be separate and distinct from off-street parking arrangements.

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Sec. 3-9-79.1. Parking of Boats, RVs, Trucks, and Trailers

1 **Sec. 3-9-79.1. Parking of Boats, Recreational Vehicles, Trucks, and Trailers**

2 (a) The intent of this section is to regulate the parking of boats, Recreational Vehicles (RVs), trucks, and
3 trailers in a manner that promotes public safety, limits the parking of boats, RVs, trucks and trailers in
4 residential districts or residential developments, and enhances the appearance of the residential
5 neighborhoods.

6 (b) The parking of trucks and trailers which, pursuant to manufacturer design or aftermarket alterations,
7 have or are capable of having tandem axles or two rear wheels per side shall be prohibited on private
8 property in residential districts or in residential developments. This prohibition shall not apply to:

9 (1) Tow trucks owned and operated by a company or individual on a rotational list maintained by
10 the Florida Highway Patrol or a Florida local law enforcement agency for response to
11 emergency requests for service but only when the operator is present on the premises.

12 (2) Pickup trucks with no more than two rear wheels per side. For the purposes of this section, a
13 pickup truck (as shown below) is defined as a light truck having an enclosed cab and original
14 equipment manufacturer installed, integrated cargo bed enclosed with low sides and a tailgate at
15 the rear.



16 (3) Service and delivery vehicles while engaged in loading, unloading or servicing on the premises.

17 (c) The following shall not be parked on any property less than 20,000 square feet or any undeveloped
18 property in residential districts or residential developments unless such vacant property is located
19 immediately adjacent to and abutting a developed property and owned by the same property owner:
20

21 (1) Cargo trailers with more than four wheels or a cargo containment area greater than 20 feet in
22 length.

23 (2) Boat trailers with more than six wheels or tri-axles.

24 (3) Boats or RVs shall not be stored or parked on stands, jack stands, blocks, or other similar
25 apparatus in residential districts not including integrated leveling stands.

26 (d) Boats, RVs, or trailers parked on private developed property in residential districts or residential
27 developments:

28 (1) Shall be the personal property of the owner, tenant or guest thereof residing on the property.

29 (2) Shall be operable and in good repair.

30 (3) Shall be licensed and registered as required by State law, where applicable.

31 (4) Shall be parked behind the leading edge of the principal building or within a paved driveway.

32 (5) Shall not encroach upon any property line.

33 (6) Shall not be used for living, sleeping, housekeeping or business purposes.

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Sec. 3-9-79.1. Parking of Boats, RVs, Trucks, and Trailers

- 1 (e) The storage of boats, recreational vehicles, or trailers on any public right-of-way or vacant property,
2 or any portion thereof shall be prohibited. For the purposes of this section, storage shall mean any
3 boat, trailer, or recreational vehicle that is unhitched from a motorized vehicle.
- 4 (f) Motor vehicles which are generally not permitted on roadways by the State of Florida or Charlotte
5 County shall be stored within a fully enclosed building in all residential zoning districts except AG, EM
6 or RE zoning districts. In certain areas where special provisions allow golf carts on roads, such golf
7 carts may be parked or stored on a paved driveway.
- 8 **Cross reference—** Motor vehicles and traffic, Ch. 2-4.

1 **Sec. 3-9-81. Patio Houses**

- 2 (a) In certain districts, as a permitted use or a conditional use, the owner of a lot or contiguous lots
3 exceeding 30,000 square feet in area may construct patio houses. Patio houses are single-family
4 detached dwelling structures, each on individually platted lots and designed to provide maximum
5 usage of outdoor living space while ensuring privacy from adjacent housing by providing a side yard
6 on one side of the structure and no side yard or a reduced yard on the other side.
- 7 (b) All requirements of the subdivision regulations and the zoning district in which the patio houses are
8 located shall be complied with, except that no side yard shall be required on one side of each parcel
9 but the combined side yard requirement of the applicable zoning district shall be required on the
10 opposite side of each parcel. It shall be unlawful for any person to locate a patio house closer than
11 the combined side yard distance from any other patio house nor shall any person locate a patio
12 house closer than the minimum setback of the applicable zoning district from the property line of any
13 other dwelling unit not a patio house. As a condition of final approval, covenants running with the
14 land shall be submitted, providing for the aforementioned side yard setbacks and maintenance
15 easements, if applicable, for each lot within the subject property.

16 **Cross reference**— Subdivision regulations, Ch. 3-7.

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Sec. 3-9-82. Places of Worship

1 **Sec. 3-9-82. Places of Worship.**

2 The purpose of this section is to provide regulations for the establishment of places of worship within
3 certain zoning districts. Unless specifically stated in other sections of this Code, the following regulations
4 shall apply:

5 (1) Any places of worship, regardless of size, shall be subject to site plan approval through the site
6 plan review committee. Those places of worship located in an existing building having parking in
7 accordance with Sec. 3-9-79 are exempt from this requirement.

8 (2) The minimum property size for places of worship is located in RSF and RMF zoning districts
9 shall be two acres. No variance from this requirement shall be allowed.

10 (4) Parking shall be in accordance with Sec. 3-9-79.

11 (5) Places of worship shall be allowed as principal permitted uses in accordance with all
12 development standards in the OMI, CG, CN, and CT zoning districts.

13 (6) Places of worship shall be allowed by special exception in the following zoning districts: AG,
14 RE, RSF, RMF, MHC, MHP and MHS.

15 (7) Places of worship shall be prohibited in the ES, RMF-T , IG and I I zoning districts.

1 Sec. 3-9-84. Sexually Oriented Businesses

- 2 (a) The purpose of this section is to provide reasonable regulations to alleviate the adverse secondary
3 effects of certain detrimental uses of land which tend to create a skid-row atmosphere where
4 concentrated and which tend to degrade residential areas and public facilities when located in close
5 proximity thereto.
- 6 (b) All sexually oriented businesses shall comply with requirements set forth in Chapter I, Article V.
7 Sexually Oriented Businesses.
- 8 (c) No sexually oriented business shall be located closer than 2,000 feet to another sexually oriented
9 business, measured on a straight line connecting the closest points of the buildings.
- 10 (d) No sexually oriented business shall be located closer than 1,000 feet on a straight line from any
11 residential or manufactured home district or use, any property zoned Commercial Tourist, any area
12 within a planned development developed or intended to be developed for residential use.
- 13 (e) No sexually oriented business shall be located closer than 1,000 feet measured on a straight line
14 from any school, park, church, public recreation facility, or child care facility.
- 15 (f) At the time of application for an occupational license to operate any establishment subject to this
16 section, the applicant shall provide a street address and legal description of the property containing
17 the existing or proposed sexually oriented business, accompanied by a survey signed and sealed by
18 a professional surveyor registered in the State of Florida which depicts the locations and distances to
19 any residentially zoned property, any property zoned Commercial Tourist, or any school, park,
20 church, public recreation facility, or child care facility measured on a straight line connecting the
21 closest point of the buildings. If the building within which a proposed sexually oriented business
22 would operate does not yet exist, the applicant must provide a site plan of the proposed
23 establishment prepared by a professional architect or engineer registered in the state of Florida
24 which, in conjunction with the survey, shall verify that the distance requirements set forth in this
25 section shall be maintained.
- 26 (g) All doors, windows and other building openings of a structure housing a sexually oriented business
27 shall be so located, covered or screened as to effectively prevent visual access into the interior of the
28 building from any public area.
- 29 (h) The premises at which a sexually oriented business is located shall be buffered in such a way that
30 no part of the sexually oriented business, which in any way conveys a message as to the goods or
31 services offered therein, is visible from any residentially zoned property, any property zoned
32 Commercial Tourist, or any school, park, church, public recreation facility, or child care facility.
- 33 (i) The premises at which a sexually oriented business is located shall have exterior lighting such as to
34 eliminate any darkened areas within, for example, parking areas, around dumpsters, and building
35 recesses. Such lighting shall be directional, recessed, or otherwise controlled so as to not illuminate
36 or become a nuisance to surrounding residential properties.
- 37 (j) Signage associated with any use subject to this section, whether on or off the site, shall not include
38 any display or depiction, including silhouettes, of specified anatomical areas or involving specified
39 sexual activities.
- 40 (k) Applicability of this Section:
- 41 (1) Any establishment which was considered a detrimental use under prior law because of a use
42 which would be classified as a sexually oriented business under this chapter and which was
43 granted a Special Exception for such use before the effective date of this section and which
44 meets the definition of a sexually oriented business in this chapter shall be considered a
45 sexually oriented business and may continue to operate the existing business at that location,
46 subject to the requirements of Sec. 1-10-125(c) of this Code, until the occurrence of any of the
47 following:

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Sec. 3-9-84. Sexually Oriented Businesses

- 1 a. The use is expanded, altered, modified, enlarged or intensified; or
2 b. The use violates any of the terms and conditions of the Special Exception; or
3 c. The Special Exception expires pursuant to subsection 3-9-6.2 of this Code.
4 Provided, however, that upon the transfer of ownership of a business granted such a Special
5 Exception, subsequent owners may continue to operate the existing business at that location,
6 but shall be required to conform to all other requirements of Chapter 1-10, Article V, of this
7 Code.
- 8 (2) Any establishment which was considered a detrimental use under prior law because of a use
9 which would be classified as a sexually oriented business under this chapter but which was not
10 required to obtain a Special Exception and which meets the definition of a sexually oriented
11 business in this chapter shall be considered a sexually oriented business and may continue to
12 operate the existing business at that location, subject to the requirements of Sec. 1-10-125(c) of
13 this Code, until the occurrence of any of the following:
14 a. The use is expanded, altered, modified, enlarged or intensified; or
15 b. The business fails to renew its occupational license by December 31 of any year; or
16 c. The use ceases for a period of 90 consecutive days or more for any reason; or
17 d. The transfer of ownership of the business.
- 18 (3) Any establishment which was not considered a detrimental use under prior law but which meets
19 the definition of a sexually oriented business in this chapter shall be considered a sexually
20 oriented business and may continue to operate the existing business at that location, subject to
21 the requirements of Sec. 1-10-125(c) of this Code, until the occurrence of any of the following:
22 a. The use is enlarged or intensified; or
23 b. The business fails to renew its occupational license by December 31 of any year; or
24 c. The use ceases for a period of 90 consecutive days or more for any reason; or
25 d. The transfer of ownership of the business.
- 26 (4) Upon the occurrence of any of the events set forth above in the absence of a valid sexually
27 oriented business license for the premises, said sexually oriented business shall cease
28 operation.

1 **Sec. 3-9-86. Swimming Pools**

- 2 (a) *Location.* Swimming pools shall be located behind the leading edge of the living area of the
3 residence within all zoning districts which allow residential uses except AG and EM zoning districts.
4 The minimum setback from a waterway for a pool or screen enclosure shall be 15 feet.
- 5 (b) *Screen enclosures.* Screen enclosures may be attached to the principal building but shall not be
6 considered a part of the principal building.

1 **Sec. 3-9-87. Temporary Uses**

2 (a) *General.* Certain uses are temporary in character. They vary in type and degree, as well as the
3 length of time involved. The purpose of this section is to specify regulations applicable to certain
4 temporary uses which, because of their impact on public infrastructure, services, and surrounding
5 land uses, require a temporary use permit. Unless otherwise specified in these zoning regulations,
6 the following regulations shall govern temporary uses. No temporary use identified herein shall be
7 exempt from the permit requirement except in accordance with this section.

8 (1) Unless approved by the zoning official, a temporary use cannot occupy on-site parking required
9 by these land development regulations to accommodate the ordinary parking requirements of
10 the existing structures and uses on the property.

11 (2) For the purposes of this section the following terms shall have the associated meanings:

12 *Footprint* shall mean the area impacted by the temporary use as measured from the
13 outside line of all the area devoted to the use, or the drip line of a tent or cover under which the
14 use is conducted, whichever is greater.

15 *Sale(s)* shall be considered to include any form of commercial transaction, including fund
16 raising activities by charitable and nonprofit organizations or school groups.

17 (3) Temporary use permits shall only be issued within the zoning districts for which the use is
18 allowed by right or for those uses which have been permitted by special exception. For
19 example, temporary use permits for commercial, sales, or services uses shall not be issued in
20 residential districts.

21 (4) Temporary use permits are restricted to those activities and locations listed on the application
22 and all temporary uses shall be confined to the dates and times specified in the permit. A
23 separate temporary use permit is required for each temporary use. Hours of operation of
24 temporary uses subject to this section shall be limited to 8:00 a.m. to 9:00 p.m., Sunday through
25 Thursday, and 8:00 a.m. to 11:00 p.m. on Friday and Saturday.

26 (5) No permanent or temporary lighting may be installed without an electrical permit and inspection.
27 Temporary lighting used to illuminate the outdoor event after dusk shall be designed and
28 arranged to reflect away from adjacent properties.

29 (6) Any temporary structures or exhibits to be constructed must be permitted in conjunction with the
30 temporary use permit and subject to all other permit and inspection requirements of applicable
31 county codes and state law.

32 (7) No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated
33 with any outdoor temporary use shall be closer than one hundred (100) feet from any
34 residentially zoned property.

35 (8) One (1) temporary sign advertising the event may be erected on the property in compliance with
36 section 3-9-95 of the Code.

37 (9) Traffic control may be required by the county or county sheriff's department and must be
38 arranged and paid for by the applicant.

39 (10) The applicant may be required to obtain approval from the county's fire rescue and emergency
40 medical services (Fire/EMS) department and employ, at the applicant's cost, any mitigation
41 measures required.

42 (11) Before any temporary use permit is issued for motor vehicle or recreational vehicle sales, the
43 applicant must furnish the county with a copy of a current motor vehicle dealer or recreational
44 dealer's license as required by F.S. Ch. 320.

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1 (b) *Applicability.* Any person or entity that desires to conduct any temporary use described in this section
2 or determined by the zoning official to be similar in nature to those described herein, unless
3 specifically exempted herein, shall be required to submit an application for a permit, and obtain the
4 permit before conducting the use. A permit issued to a corporation, organization, or entity shall
5 suffice for the persons engaging in the use on the site on behalf of the corporation, organization, or
6 entity. The owner(s) of the property upon which the temporary use is to be conducted shall be bound
7 by the terms of the permit, and shall signify consent to the permit by signing the permit application
8 before it is issued.

9 (1) Examples of temporary uses regulated by this section consist of the following:

- 10 a. Outdoor sales, parking lot sales or tent sales of merchandise, products, services or other
11 commercial activities.
- 12 b. Event uses, such as fairs, carnivals, circuses, and expositions or fair associations
13 chartered in accordance with F.S. Ch. 616.
- 14 c. Fund raising events conducted offsite by charitable organizations, nonprofit corporations,
15 or school groups, as well as promotions, sales and other activities by charitable
16 organizations, nonprofit corporations, or school groups.
- 17 d. Seasonal and holiday related promotions and sales, including Christmas tree sales,
18 pumpkin sales, fireworks sales, and the like.
- 19 e. Temporary religious or revival activities.
- 20 f. Neighborhood and community-wide yard sales and garage sales.
- 21 g. Any other temporary use similar in nature to the ones listed above, as determined by the
22 zoning official.

23 (2) The permit requirement of this section shall not apply to the following types of uses, provided
24 that such uses shall be required to meet all other requirements of law, including but not limited
25 to obtaining building or sign permits for temporary structures or signage:

- 26 a. Any temporary use as defined in this section which occupies a footprint less than one
27 hundred eighty (180) square feet.
- 28 b. Yard or garage sales conducted on residential parcels; provided that the use does not
29 exceed any of the requirements of a type 1 permit nor exceed two (2) calendar days in
30 length.
- 31 c. Grand opening sales by resident merchants connected with the grand opening of a
32 permanent use at the premises, including outside food and beverage vending; provided
33 such use does not exceed three (3) consecutive calendar days.
- 34 d. Temporary outdoor storage in residential districts, incidental to and exclusively in
35 association with the construction of a principal structure and only while a valid building
36 permit is in effect.
- 37 e. Such temporary uses which are extensions of a principal permitted use on-site and which
38 are to be conducted on the premises but outside the principal structure in which those uses
39 are permitted to occur; provided such use does not exceed five (5) consecutive calendar
40 days. Examples of which include, but are not limited to:
 - 41 1. Religious or revival activities conducted on-site but outside the structures of the place
42 of worship.
 - 43 2. Sidewalk sales, clearance, or tent sales conducted on-site by a resident merchant but
44 outside the principle permitted structures for such use.
 - 45 3. School events conducted on-site but outside the principle permitted structures for
46 such use.

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- 1 (c) *Type 1 permit—Small.*
- 2 (1) A Type 1 permit shall be required for any temporary use occupying a footprint greater than one
3 hundred eighty (180) square feet or less than one thousand five hundred (1,500) square feet.
- 4 (2) No property shall have, or be a site of, more than six (6) type 1 temporary uses in a calendar
5 year. No type 1 temporary use shall continue for more than five (5) consecutive calendar days;
6 however, such uses may run concurrently (i.e. up to thirty (30) days) without incurring additional
7 permit fees.
- 8 (3) Type 1 permits shall be exempt from any fee but shall be required to conform to all other
9 provisions of this section.
- 10 (d) *Type 2 permits—Midsized.*
- 11 (1) A type 2 permit shall be required for any temporary use occupying a footprint greater than one
12 thousand five hundred (1,500) square feet but less than three thousand (3,000) square feet.
- 13 (2) No property shall have, or be a site of, more than three (3) type 2 temporary uses in a calendar
14 year. No type 2 temporary use shall continue for more than ten (10) consecutive calendar days;
15 however, such uses may run concurrently (i.e. up to thirty (30) days) without incurring additional
16 permit fees.
- 17 (e) *Type 3 permits—Large.*
- 18 (1) A type 3 permit shall be required for any temporary use that will occupy a footprint of three
19 thousand (3,000) square feet or more; or
- 20 (2) Any type 1 or type 2 temporary use that will, in the determination of the zoning official, require
21 more parking spaces than allotted on the subject property.
- 22 (3) No property shall have, or be a site of, more than two (2) type 3 temporary uses in a calendar
23 year. No type 3 temporary use shall continue for more than three (3) consecutive calendar days.
- 24 (4) The site of the temporary use must be cleared of all debris at the end of the use, and all
25 temporary structures must be removed no later than forty-eight (48) hours after the termination
26 of the use. A cash bond in an amount not to exceed two thousand dollars (\$2,000.00) or a
27 signed contract with the county's garbage collection franchisee may be required as part of the
28 application for the temporary use permit. Failure to clean up the site within said time period shall
29 result in the forfeiture of any cleanup bond, and any additional costs of cleanup in excess of the
30 cleanup bond may be assessed against the permit holder and/or property owner. In addition, no
31 future temporary use permit will be issued to the applicant or property owner until any
32 outstanding cleanup costs are paid in full.
- 33 (f) *[Security required.]* In addition to applicable permit fees, any type 2 temporary use permit shall
34 require the applicant to provide security in the amount of twenty-five thousand dollars (\$25,000.00)
35 and fifty thousand dollars (\$50,000) for any type 3 permit, in the form of a surety bond, issued by a
36 surety authorized to do business in the state of Florida, or an irrevocable letter of credit issued by a
37 Florida financial institution, or in the form of a cash security. The security shall be in favor of the
38 county, and benefit any person who shall suffer any loss that is provided for and recoverable under
39 this subsection. The security shall be released ninety (90) calendar days following the conclusion of
40 the temporary use upon the submittal of an affidavit from the applicant to the county, and the
41 acceptance of said affidavit by the county, that all conditions of the security have been met. The
42 conditions of such security shall be that:
- 43 (1) The applicant shall comply fully with all provisions of the Charlotte County Code and all other
44 applicable county, state, or federal laws regarding the temporary use sought; and
- 45 (2) The applicant has, to the county's satisfaction, mitigated any damages or impacts caused or
46 created by the temporary use.

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- 1 (g) *Application procedure and review.* All applications for a temporary use permit shall be submitted to
2 the zoning official a minimum of ten (10) working days prior to the proposed use. The zoning official
3 shall grant or deny a temporary use permit or may grant a temporary use permit subject to suitable
4 conditions, safeguards, and stipulations within seven (7) working days. If denied, the zoning official
5 shall state the reasons in writing to the applicant.
- 6 (h) *Application process and fees.*
- 7 (1) *Application.* The applicant shall ensure that the application is accurate and complete. Any
8 intentional misrepresentations on the application by the applicant shall be grounds for denying
9 the permit. The application shall be made on a form acceptable to the zoning official and shall
10 include the following:
- 11 a. The name, address and telephone number of the applicant; and
- 12 b. The address and legal description of the property where the temporary use will be held. If
13 the property is not owned by the applicant, the name, address and telephone number of
14 the owner(s) of the property and notarized authorization of all property owner(s) of record
15 or their authorized agents, for use of the property; and
- 16 c. The date(s) of the event and hours of operation; and
- 17 d. The nature of the existing uses on the property along with the proposed temporary use;
18 and
- 19 e. Required parking for existing use as well as anticipated parking needs, including overflow;
20 and
- 21 f. The tax identification number of the applicant, if applicable; and
- 22 g. A site plan, drawn to scale, indicating the following:
- 23 1. Vehicular access onto the property; and
- 24 2. Location and use of any existing structures on the property; and
- 25 3. Location of any sanitary facilities; and
- 26 4. Location and amount of current and anticipated parking areas, including overflow.
- 27 h. For all type 3 permits, the following additional application requirements shall be provided:
- 28 1. A letter from the Charlotte County Sheriff setting forth the sheriff's determination
29 whether any additional security or police service is necessary and the arrangement
30 that has been made to accommodate that need; and
- 31 2. A letter from the Charlotte County Fire/EMS setting forth a determination on whether
32 any additional fire or rescue service is necessary and whether an arrangement has
33 been made to accommodate that need; and
- 34 3a. If a road closure is less than 24-hour period, the roadway Level-of-Service impact on
35 the roadway cannot be quantified due to these special events. However, the event
36 coordinator should submit the proposed maintenance of traffic plan at least 30 days
37 prior to the event so that Public Works staff can visit the subject location and make
38 suggestions before issuing the Public Works Department approval. Once Public
39 Works Department issues the approval, it is responsibility of the event coordinator to
40 work with the Fire/EMS and Sheriff's Office on the needed support from those
41 departments to safely execute the special event.
- 42 3b. If the special event needs a road closure for more than 24-hours (other than for an
43 emergency event), applicant needs to attach a Maintenance of Traffic (MOT) plan
44 (must be signed by a licensed Engineer in the State of Florida) with the permit
45 application for the review by the Public Works Department at least 45 days prior to the

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1 event. This will allow the Public Works Department to properly review the application,
2 work closely with the appropriate agencies and issue a Public Service Announcement
3 (PSA) about the Road Closure.”.

4 (2) Payment of a nonrefundable application fee shall be as follows:

- 5 a. Type 1 Permit:No fee
6 b. Type 2 Permit:\$300.00
7 c. Type 3 Permit:\$1,000.00

8 (3) In reviewing an application the zoning official shall take the following factors into account:

- 9 a. Ensure that the proposed temporary use complies with all the requirements of this section;
10 and
11 b. Review the compatibility of any proposed use with surrounding uses, ensuring that any
12 anticipated nuisances or incompatible features involved are suitably separated from
13 adjacent uses; and
14 c. Ensure that the proposed temporary use will not create any vehicular parking or circulation
15 problems, or will result in excessive vehicular traffic being generated or diverted onto
16 residential streets.

Sec. 3-9-89. Visibility at Road Intersections

- (a) Clear sight triangles shall be required at the intersection of all vehicular travel ways to maintain adequate visibility, safe sight distance, and safe movement of traffic. A sight triangle shall be considered the triangular area at the intersection of two vehicular travel ways where a driver's vision of oncoming traffic must remain unobstructed. Such sight triangles shall consist of two 30-foot segments (Figure 1) running at the edge of the right-of-way, which meet at the intersection and the third side is the line connecting the ends of the 30-foot segments farthest from the intersection. For driveways, sight triangles shall consist of two 20-foot segments (Figure 2) running at the property line, and the third side is the line connecting the ends of the 20-foot segments farthest from the intersection. There shall be a clear space with no obstruction to vision between a height of two feet and six feet above grade. The County Engineer may approve alternative sight triangles under circumstances where the requirements of this section cannot be met. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

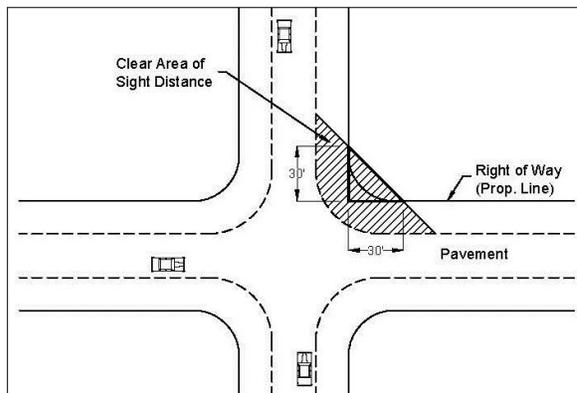


Figure 1: Visibility Triangle at Road Intersections

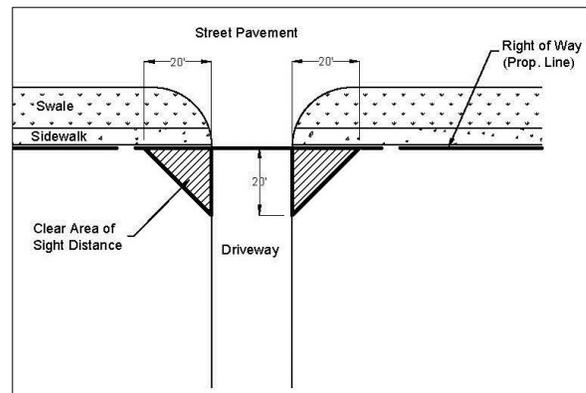


Figure 2: Visibility Triangle at Driveways

- (b) Trees shall be permitted in the clear space if foliage is cut away within the prescribed heights. Lamp posts and sign posts shall be permitted if illuminating fixtures and sign faces are not within the prescribed clear space.

Cross reference— Roads and bridges, Ch. 3-6.

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Chapter 3-9. Zoning
Article IV. Site Design Standards and Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

(a) Purpose.

- (1) *Buffers.* The purpose of the buffering provisions is to establish standards for transitional landscape buffers and screening. Certain uses of property when abutting each other may be incompatible and create conflicts that may be reduced or eliminated by transitional buffers. These standards are intended to provide a comprehensive and consistent, yet flexible framework for providing adequate transitional buffer areas and screening between abutting incompatible uses. These standards are intended to improve the appearance of the county by eliminating or minimizing potential nuisances such as noise, lighting, unsightly buildings and structures, the visibility of outdoor aspects of intensive land uses, and off-street parking and loading areas, as well as assist in soil conservation and the natural control of air and water pollution and ensure the compatibility of different land uses over time.
- (2) *Landscaping.* The purpose of the landscaping provisions is to establish standards for landscaping areas associated with parking, traffic circulation, and other vehicular use. These standards are intended to provide a comprehensive and consistent, yet flexible, framework for landscaping intended to improve the appearance of the county by creating green space where development occurs, enhance soil conservation and the natural control of air, thermal, and water pollution, and ensure the compatibility of different land uses over time.
- (3) *Tree Requirements.* The purpose of the tree requirements provisions is to establish standards for the planting, preservation, and removal of trees. These standards are intended to provide a comprehensive and consistent, yet flexible framework for tree requirements intended to improve the appearance of the County by encouraging the proliferation of native trees and native vegetative cover, as well as relocation or replacement where necessary, and to control and eliminate invasive non-native species. Protection of trees and native vegetation is intended to promote carbon dioxide absorption, oxygen production, dust filtration; reduction of noise, wind, and glare; soil stabilization and enrichment; erosion prevention, surface drainage improvement and aquifer recharge; water pollution reduction, wildlife habitat, energy conservation, temperature moderation, the economic enhancement of improved and vacant lands; scenic beauty, quality of life, and the health, safety, welfare, and well-being of the County.

(b) Definitions.

Unless otherwise specifically stated in this section, or unless otherwise clearly indicated by the context, the following terms when used in this section shall have the meanings indicated as follows:

- (1) *Abutting:* see "Adjacent".
- (2) *Accent tree* or *understory tree:* trees referenced as accent trees or understory trees in Exhibit 8: List of Approved Tree Species.
- (3) *Access aisle:* the principal means of vehicular ingress and egress to abutting property from a street, right-of-way, or easement.
- (4) *Active use park:* all recreational parks with the exception of those used primarily as nature trails, mitigation banks, or for environmental study and interpretation.
- (5) *Adjacent:* contiguous, next to. When determining whether one land use or zoning district is adjacent to another, the existence of an intervening natural or man-made waterway (measured between mean high water lines or apparent high water lines), drainage facility, greenbelt, alley, or right-of-way which, alone or in combination are less than 200 feet in width, shall not be considered and the properties shall be treated as adjacent.
- (6) *Alley:* any public or private right-of-way intended to be used as a secondary means of access or service to abutting properties and not intended for general traffic circulation.

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Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

- (7) *Barrier*: a durable opaque structure or hedge at least three feet high used within the parking lot screening or decorative perimeter.
- (8) *Buffer*: the area required to be constructed and maintained as provided in Sec. 3-9-100.1.
- (9) *Caliper*: the diameter of a tree trunk, in inches, measured at 12 inches above the existing grade.
- (10) *Damaged tree*: a tree that has been wounded (bark scraped or removed, limbs removed or shattered, roots cut or crushed) to an extent that survival is unlikely.
- (11) *Decorative perimeter landscaping*: the planted space between the right-of-way and that part of the perimeter of the property not used as parking area.
- (12) *Department*: the Charlotte County Community Development Department.
- (13) *Development or development activity*: any non-agricultural activity that may include the following:
 - a. Clearing, scraping, mulching, grinding, or removing tree(s) or vegetation from a site.
 - b. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, grubbing, or otherwise significantly disturbing the soils of a site.
 - c. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; and mining, excavation, landfill, or land disturbance, and any use or extension of use of the land.
- (14) *Development site*: that portion of a lot or parcel upon which development occurs.
- (15) *Diameter at Breast Height (DBH)*: the diameter of the tree trunk measured at 54 inches from the existing grade. Multi-trunk trees are also measured at 54 inches and the diameters of each trunk are cumulative.
- (16) *Drip line*: the outermost perimeter of the crown of a tree as projected vertically to the ground.
- (17) *Establishment period*: the time between planting and new root growth. During the establishment period, regular supplemental watering to the root zone is required.
- (18) *Florida-Friendly*: use of low-maintenance native plants and environmentally-sustainable landscaping practices that help to preserve Florida's natural resources and protect the environment.
- (19) *Ground cover*: low growing plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity, planted in such a manner as to form a continuous cover over the ground.
- (20) *Hedge*: a row of closely planted shrubs intended and designed to form an interlocking, continuous boundary or screen.
- (21) *Heritage tree*: a tree and its root system within the Cypress (*Taxodium spp.*), Oak (*Quesrcus spp.*), and Pine (*Pinus spp.*) species which has a minimum 30-inch trunk diameter at DBH. In the case of multi-stemmed trees where there is a union of wood above grade, the DBH shall be measured at each stem and added together to reach a minimum of a 45-inch diameter.
- (22) *Landscaping*: grass, ground cover, mulch, shrubs, vines, hedges, trees, berms, and complementary structural landscape features such as rock, foundations, sculpture, decorative walls and tree wells.
- (23) *Native tree*: any individual tree listed as a native species listed in Exhibit 8: List of Approved Tree Species. Damaged trees do not qualify as native trees for the purposes of planting or preservation.
- (24) *Native Tree Replacement Fund*: a fund established to provide money for the purpose of planting trees on government-owned properties.
- (25) *Native vegetation*: any plant species with a geographic distribution indigenous to the Southwest Region of Florida.
- (26) *Natural ground level*: the elevation and grade of the parcel that existed prior to development activity.

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Sec. 3-9-100. Buffers, Landscaping, and Tree Requirements

- (27) *No tree affidavit*: a signed, notarized statement by the landowner or their agent stating that no trees exist upon the site.
- (28) *Outdoor storage yard*: any use of property where items such as boats, vehicles, recreational vehicles, contractor supplies, construction materials and other similar items are stored in other than a completely enclosed building.
- (29) *Parking area*: the total area designated on the landscape plan for the off-street parking of vehicles, including vehicles held for sale, and includes driveways, ingress and egress lanes, specialized vehicular use areas, walkways, and aisles.
- (30) *Parking lot screening*: the planted space between the right-of-way and the parking area.
- (31) *Perimeter landscape strip*: the planted space between a right-of-way and subject property. The term includes parking lot screening and decorative perimeter landscaping.
- (32) *Planted tree*: a tree which has been nursery grown for resale or otherwise transplanted.
- (33) *Preserved tree*: a tree preserved on-site which has been barricaded or is located 100 feet or more from the farthest point of development and will count towards a development's minimum tree requirement.
- (34) *Prohibited tree*: a tree of undesirable or exotic species which disrupts natural habitats or are otherwise destructive. Trees listed as Category I Invasive Species on the most recent edition of the Florida Exotic Pest Plant Council's Invasive Plant List shall be prohibited. Trees listed as Category II Invasive Species are highly discouraged and cannot be counted towards a development's minimum tree requirements. Trees listed in Exhibit 9: Prohibited Plants and/or as Category I Invasive Species shall be removed during site preparation.
- (35) *Screening*: fences, walls, berms, trees, shrubs, vegetation or a combination of any of these items used as screening devices.
- (36) *Shrub*: a woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk; any self-supporting, woody, evergreen and flowering perennial plant (excluding prohibited plants) characterized by multiple stems growing continuously from the base.
- (37) *Sight triangle*: the triangular area at the intersection of two vehicular travel ways where a driver's vision of oncoming traffic must remain unobstructed. Such sight triangles shall consist of two 30-foot segments running at the edge of the right-of-way which meet at the intersection, and the third side is the line connecting the ends of the 30-foot segments farthest from the intersection. For driveways, sight triangles shall consist of two 20-foot segments running at the property line, and the third side is the line connecting the ends of the 20-foot segments farthest from the intersection. There shall be a clear space with no obstruction to vision between a height of two feet and six feet above grade. The County Engineer may approve alternative sight triangles under circumstances where the requirements of this section cannot be met.
- (38) *Site Plan Review (SPR)*: Staff review of development applications, formerly known as Development Review Committee (DRC).
- (39) *Specialized vehicular use areas*: areas used for new or used motor vehicles, equipment, boats, local and inter-urban passenger bus terminals and service facilities, and motor freight terminals and loading docks. The term does not include areas set aside for access, employee parking, or areas open to public parking.
- (40) *Spiking or spurring*: the use of any metal gaff device to aid in tree climbing in order to remove branches, limbs, or leaves from a tree.
- (41) *Topping*: also known as "stubbing," "heading," "heading-back," "stubbing off," "tipping," "hatracking," "topping-off," "dehorning," "lopping," "roundover," "cut-over", "lollipoping," trimming of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

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- (42) *Tree*: a self-supporting woody plant, or palm with six feet of clear trunk, of a species normally growing to a mature height of at least 15 feet.
- (43) *Tree, Canopy*: Trees listed in Exhibit 8, which typically grow to a minimum of 30 feet in height at maturity.
- (44) *Tree, Understory*: Trees listed in Exhibit 8, which typically do not exceed 20-30 feet in height at maturity.
- (45) *Tree points*: a number calculated according to Exhibit 5: Tree Points, located in Sec. 3-9-100.3: Tree Requirements.
- (46) *Vegetation*: the plant life in a particular area or region.
- (47) *Vines*: any of a group of woody or herbaceous plants which may climb by twining, by means of aerial rootlets, or by means of tendrils, or which may simply sprawl over the ground or other plants.

(c) Applicability.

- (1) The provisions of this section shall apply only in the unincorporated areas of Charlotte County. For the purposes of buffering, landscaping, and tree requirements, all residential properties consisting of three or more units shall be considered multi-family properties, regardless of ownership, and are subject to the provisions of this section.
- (2) The provisions of this section shall not be construed as prohibiting additional trees, plant material, screening, or buffering beyond that which is required by this section or to prohibit the improvement of landscape buffers existing on the effective date of this section.
- (3) Properties that require buffers and landscaping may not "buy out" the tree points.
- (4) Whenever both perimeter landscaping and a buffer are required on the same location on a parcel, the more intensive landscaping requirements apply.

(d) Landscape plan.

- (1) Florida-Friendly design principles shall be employed in all landscape plans.
- (2) All applicants subject to the provisions of this section shall submit a landscape plan as required by the Department. The number of copies to be submitted shall be determined by the Department.
- (3) The landscape plan must be approved prior to the issuance of the associated building permit.
- (4) For development requiring site plan approval, the landscape plan shall be submitted with or prior to the application for preliminary approval and must be approved prior to final site plan approval.
- (5) Landscape plans shall:
 - a. Be signed and sealed by a Registered Landscape Architect as defined by F.S. Ch. 481.
 - b. Be drawn to scale, including all dimensions, distances, and acreage;
 - c. Show the square footage and location of the existing and proposed parking spaces, specialized vehicular use areas, access aisles, and driveways;
 - d. Indicate all utility and drainage easements, existing and proposed utility lines, buildings, structures, stormwater retention and detention areas, and similar features;
 - e. Indicate all abutting public rights-of-way;
 - f. Identify the zoning of the subject property and all adjacent parcels;
 - g. Indicate the type, location and features of the irrigation system for the required landscaping, including times, sensors, zones, and water source as applicable;

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- h. Provide an irrigation narrative on the landscape plan stating the features used to provide for the efficient use of water including: sensors which prevent watering during rain or when the ground is saturated, timers to water during optimal watering hours, and placement of vegetation in zones based on watering needs as applicable;
- i. Identify and describe the location and characteristics of all landscape materials to be installed including the square footage and dimensions of all planters and landscape islands;
- j. Show all landscape features, including areas of vegetation required to be preserved, in context with the location of existing and proposed buildings and other improvements on the site;
- k. Indicate in table format the number, species and caliper of trees to be planted or preserved, the gross acreage of the development site and the square footage of paved areas;
- l. Show all measures taken to protect landscape elements from damage caused by vehicles, including curbing, edging, wheel stops, raised planting surfaces, and other protective measures;
- m. Indicate proposed grades if existing vegetation is to be retained within the buffer;
- n. Show all measures to be taken to alter any greenbelts, easements, native shoreline or riparian vegetation which is being used to satisfy the requirements of this section;
- o. Graphically show sight triangles.

(6) Due to unique circumstances, the above requirements may be modified during a landscape plan review meeting with the Zoning Official or his/her designee.

(e) Installation standards.

- (1) All landscaping shall be installed in conformance with the landscape plan approved by the Department or Site Plan Review final approval.
- (2) All landscaping required by this section (except sod) shall be installed by persons or entities properly licensed or qualified pursuant to Article I, Chapter 3-2, Buildings and Building Regulations, of the County Code of Ordinances.
- (3) All landscaped areas and buffers shall be protected from vehicles by curbing or wheel stops (minimum five inches in height) when adjacent to pavement. In addition, the Department may approve the limited use of durable barriers, such as bollards and boulders.
- (4) Tree pruning shall be conducted according to the most recent edition of the National Arborist Association standards.
- (5) It is unlawful to top any tree regardless of development approval date.
- (6) Landscaping shall not interfere with or obstruct existing or proposed overhead or underground utilities.
- (7) The property owner may choose to postpone installation of the required landscaping and/or buffering to the rainy season (June through October). In order to request this one-time option, the owner may submit a notarized affidavit to the Zoning Official stating that they choose to postpone the installation and understand that the landscaping and/or buffering must be installed as specified in the approved landscape plan by a specific date approved by the Zoning Official. No extensions shall be granted. The owner shall be responsible to ensure stabilization of the site until such time as the landscaping is installed. Site stabilization may be accomplished by utilizing seed and mulch or other alternative methods, as may be approved by the Zoning Official.

(f) Planting standards.

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- (1) All plants, except transplanted plants, shall meet or exceed the quality standards for Florida No. 1, as provided by Grades and Standards for Nursery Plants, Parts I and II, most recent edition, State of Florida, Department of Agriculture, Tallahassee.
- (2) Trees used for points must have a minimum diameter (as measured by caliper or forestry diameter tape) of two inches measured at 12 inches above the existing grade, have a minimum height of eight feet at installation, and be listed on Exhibit 8: List of Approved Tree Species. Trees not on the approved tree list may be counted for points at the discretion of the Zoning Official or his/her designee.
- (3) Palm trees used for points must have a minimum of six feet of clear trunk and be listed on Exhibit 8: List of Approved Tree Species.
- (4) Required trees not needed for tree points must:
 - a. Have a minimum diameter, measured by caliper or forestry diameter tape, of one inch measured 12 inches above the soil line;
 - b. Have a minimum height of six feet at installation; and
 - c. Be listed on Exhibit 8: List of Approved Tree Species, or be approved by the Zoning Official or his/her designee.
- (5) When more than ten trees are required, a mix of species shall be planted as provided in the table below. No individual species shall comprise more than 60 percent of the tree species mix. This subsection does not apply to areas of vegetation which have been preserved in the natural state.

Exhibit 1: Tree Species Mix

Required Number of Trees	Minimum Number of Species
11—20	2
21—30	3
31—40	4
41+	5

- (6) Shrubs and hedges for decorative perimeter and interior landscaping must be a minimum 12 inches in height upon planting, be spaced 18 to 36 inches on center determined by the type of plant used, and be of the type that reach at least 24 inches on maturity.
- (7) Hedges for parking lot screening and buffers must be a minimum 18 inches in height upon planting, be spaced and maintained in order to form a continuous, solid visual screen within one year of planting, and be of the type that reach at least 48 inches on maturity.
- (8) Hedges used to replace an existing buffer wall must be at least four feet tall (ten-gallon plant) at installation.
- (9) Vines shall be a minimum of 24 inches in height at time of planting.
- (10) Ground cover shall be planted in such a manner as to present a finished appearance, provide soil stabilization and shall be used with mulch if the ground is not completely covered by the ground cover at the time of planting. The height and size (gallon) of ground cover do not have to be designated on the landscape plan.
- (11) Grass.
 - a. Areas to be planted with grass may be sodded, plugged, sprigged or seeded using strains that are drought-resistant or require minimal watering.

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- b. Solid sod must be used in swales and other areas subject to erosion, including retention and detention ponds. Detention pond floors may be seeded.
- c. Seeded areas must be sufficiently seeded to produce a ground cover within 30 days.

- (12) All clearing, grading, installation and site preparation shall be done in accordance with this Code.
- (13) Existing vegetation used to meet the requirements of this section shall be protected by the measures provided in Sec. 3-9-100.3: Tree Requirements.
- (14) Where overhead power lines exist or are planned, the required canopy trees shall be replaced with trees approved for planting under power lines, as shown on Exhibit 7: Recommended Trees for Planting Under Power Lines.
- (15) Alterations to landscaping and buffers require the prior written permission of the Department.
- (16) It is unlawful to plant any of the prohibited species identified as Category I in the most recent edition of the Florida Exotic Pest Plant Council's List of Invasive Plant Species, or in Exhibit 9: Prohibited Plants. In addition, all prohibited species must be removed during site preparation.
- (17) For landscaping purposes, trees found in the most recent edition of the "Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design," produced by the University of Florida/IFAS but not listed in Exhibit 8: List of Approved Tree Species may be permitted at the discretion of the Zoning Official or his/her designee. The applicant must demonstrate that the trees are appropriate for the location. These trees may be considered for tree points.

(g) Maintenance.

- (1) Plantings, fences, walls, berms and irrigation systems required by this section must be maintained in good repair. Landscaped and buffer areas must be kept free of weeds, litter and debris.
- (2) Damage to any of the landscaping or structures required by this section shall be replanted or replaced, as applicable, within 90 days or one growing season, whichever is sooner. Damage to a required fence or wall by a natural disaster shall be repaired within 180 days.
- (3) It is unlawful to violate any of the provisions of this section.
- (4) The Department may enforce compliance with this section as provided by law and may perform reasonable inspections to insure continued compliance.
- (5) All required landscaping and buffers may be served by an automatic irrigation system designed to eliminate the application of water to impervious areas and reduce impacts to existing native vegetation. All required landscaping and buffers shall be irrigated during the establishment period. The applicant may use a temporary irrigation system or hand watering if the applicant can demonstrate that such an approach will provide adequate water for plant survival. All alternative plans of irrigation must be approved by the Zoning Official or his/her designee.

(h) Florida-Friendly landscaping.

- (1) Florida-Friendly landscaping is based on Xeriscaping principles and has as its purpose reducing water consumption while enhancing both the beauty and hardiness of Florida landscaping. By proper design choices, a Florida-Friendly landscape requires less irrigation and makes better use of the water it does receive. While there is no single fixed Florida-Friendly landscape, all Florida-Friendly landscapes share a set of design principles. Proposed landscape plans shall be considered based on the following "Florida-Friendly" principles.
- (2) Design principles.

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- a. Design with awareness of site conditions. Plants should be chosen that are suited to existing site conditions ("the right plant in the right place"). Soil amendments or terrain features can be added to create favorable conditions for plants that would not ordinarily thrive on the site. Native plants have a proven track record of thriving under native conditions with little or no supplemental water. The selection of drought tolerant plants will ensure a drought tolerant landscape even if severe water restrictions are imposed.
- b. Group plants according to their water requirements. Physically concentrating high water usage plants, medium water usage plants, and low water usage plants in separate areas will allow the design of high, medium, and low water usage zones that provide the plants with the necessary amount of water, without waste.
- c. Take steps to retain moisture in the soil. Use of organic mulches, such as pine straw, instead of inorganic materials, such as crushed rock, will promote the absorption of water by the soil as well as enhance water retention. Shade provided by established canopy trees reduces evaporation and allows a moist local environment. Avoid watering in the heat of the day to minimize evaporation. Amend fast draining sand soils with organics such as peat to enhance water retention. Careful application of irrigation with properly sized, adjusted, and timed irrigation heads will minimize water loss through evaporation, run-off, and excessive saturation.
- d. Minimize the high maintenance costs of the landscape. Devoting less area to turf grass, using it as an accent rather than the main emphasis of the landscape, will reduce water use, maintenance costs, pesticide costs and fertilizer costs. Low maintenance trees and shrubs cost less in long term maintenance and resources as well as offering possibilities of more attractive designs.
- e. Florida-Friendly design principles shall be employed in all landscape plans.

(i) Completion bond.

- (1) A Certificate of Occupancy (C.O.), or release from the completion of the fulfillment of the requirements of this section, may be obtained prior to the completion of the required perimeter landscaping or landscape buffer upon the posting of a cash bond in favor of the County.
- (2) The bond shall be equal to 110 percent of the value of the required landscaping and buffer which remains to be completed.
- (3) The bond will be forfeited to the County if the remaining required landscaping is not completed within 90 days of the issuance of the C.O. or release.
- (4) The Department Director may, upon consideration of site-specific or other extraordinary circumstances, extend the period of time for completion of the landscaping for not more than an additional 180 days.
- (5) Those property owners who have chosen to postpone the installation of their required landscaping and/or buffering to the rainy season in accordance with Subsection 3-9-100(e)(7) shall be exempt from this section of the Code.

Sec. 3-9-100.1. Buffers

(a) Applicability.

- (1) The requirements of this section shall apply to all new development.
- (2) Whenever additions to existing buildings, structures, or parking are constructed, the requirements of this section apply if:

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- a. The square footage of the addition(s) exceeds 50 percent of the square footage of the existing improvement(s), or
- b. The estimated cost of the addition(s) or improvement(s) exceeds 50 percent of the appraised value of the existing improvement(s).
- c. Whenever the application of the strict requirements of this section to the renovation, restoration, reuse, or rehabilitation of property developed prior to June 20, 2001, will result in the loss of other site improvements required by this Code, the Zoning Official or his/her designee may approve a site-specific buffer plan which best meets the purpose and intent of these buffer requirements.

(b) Exemptions.

- (1) Private recreational facilities constructed for use by the residents of a development when the facility is located in the interior of the development.
- (2) Buildings and structures for emergency and essential services, as determined by the Board of County Commissioners (BCC) at its discretion.
- (3) Property which is separated from the adjacent property by more than 200 feet of waterway, right-of-way, greenbelt, drainage facility, or combination thereof, is exempt from the required zoning buffer, but not from perimeter landscape strips, as applicable.

(c) Types of buffering.

- (1) The minimum buffer requirements pursuant to this section shall be as provided in Exhibit 3: Buffer Type Illustrations, unless otherwise specifically provided in this section.
- (2) Greenbelts, easements, native shoreline and riparian vegetation may be used to satisfy the requirements of this section if:
 - a. The plant materials and density comply or can be altered to comply with the requirements of this section;
 - b. The greenbelt, easement, native shoreline or riparian vegetation can be maintained in accordance with the provisions of this section; and
 - c. The applicant provides written authorization from all persons or entities having an ownership interest in the greenbelt, easement, native shoreline or riparian vegetation for the use and maintenance of the area as a buffer.
- (3) On-site plantings outside the required buffer area may be used to satisfy the requirements of this section to the extent that the plantings are located within the distance of three times the width of the required buffer measured from the closest edge of a required buffer location.
- (4) Mangroves growing below the mean high water line, or waterward of a seawall or bulkhead, may be used to satisfy the requirements of this section, provided:
 - a. Such mangroves are under the ownership and control of the owner of the site being developed, or
 - b. The applicant has provided to the Department the written consent of the owner of the site on which the mangroves are located, or authorized representative thereof, to the use of the mangroves as an off-site buffer.
 - c. The canopies of the mangrove trees extend to no less than six feet above the final graded elevation of the portion of the property on which the buffer is established.

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(d) Special provisions.

- (1) The perimeter of all outdoor storage yards shall be buffered with a Type D buffer regardless of the width of any adjacent road or easement. These buffer requirements may be reduced to Type B on interior lot lines abutting IG or II zoning districts.
- (2) The buffering required by this section shall be included in all planned developments (PD), as determined as part of the PD rezoning process.
- (3) The requirements of this section shall apply to property being used under the authority of a Special Exception. The type of buffering required will be established as a part of the Special Exception process.
- (4) Land uses for which a buffer type is not specifically provided for in this section shall be buffered at the level most likely to achieve the stated purpose of this division at the discretion of the Zoning Official or his/her designee.

(e) Installation standards.

- (1) Buffer areas shall be placed adjacent to the lot lines except:
 - a. Where necessary to avoid obstructions within the sight triangle;
 - b. At approved ingress and egress lanes;
 - c. Where easements or covenants regarding the use of the land prohibit such placement; or
 - d. Where natural features of the land prevent such placement.
- (2) Buffer areas may not be located on any portion of an existing or dedicated right-of-way or roadway easement.
- (3) No development or impervious surface is permitted within the required buffer.
- (4) No grading, development, or land-disturbing activities are permitted within the buffer unless approved by the Department.
- (5) Stormwater detention or treatment areas may not occupy more than 50 percent of the width of the buffer; provided however that this restriction does not apply to parcels less than or equal to 10,000 square feet.
- (6) Buffer areas may be used for passive recreation, sitting areas, and pedestrian and bicycle paths, provided, in the case of paths, that the width of the buffer is increased by the width of the path wherever the path is located and all other requirements of this section are met.
- (7) Buffer areas may be used for utility placement but only if:
 - a. No canopy tree will be displaced or damaged by the installation or maintenance of the utility; and
 - b. The applicant has produced written evidence that the utility has granted authority for such use;
- (8) Buffers must be maintained in compliance with this section.
- (9) Plants and trees shall be arranged in a uniform manner as depicted on the approved landscape plan.
- (10) Retaining existing native trees and vegetation within a buffer is encouraged unless a grade change exceeding six inches is required.
- (11) All prohibited plant species identified as Category I Invasive Species in the most recent edition of the Florida Exotic Pest Plant Council's List of Invasive Plant Species or listed in Exhibit 9: Prohibited Plants must be removed from the developed site during development or phase thereof.
- (12) Existing native trees listed in Exhibit 8: List of Approved Tree Species, may be used to meet the buffer plant material requirements if properly preserved as provided in Sec. 3-9-100.3: Tree Requirements.

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- (13) Berms must be graded to appear smooth, rounded and natural; slopes must not exceed a slope ratio of 3:1.
- (14) Whenever a berm wall is required, the wall shall be located between the berm and the higher intensity use. Berm walls required by this section are exempt from zoning setbacks requirements.
- (15) The finished side of the fence or wall required by this section, and at least 75 percent of the required plant material, shall face the property zoned or used for less intensive uses.
- (16) Fences and walls shall be:
 - a. A minimum of six feet in height from finished grade;
 - b. Opaque;
 - c. Decorative; and
 - d. Be made of one of the following: concrete aggregate, stucco finish (either painted or colored), brick, stone, wood, vinyl, or plastic.
- (17) Chain link fences and walls constructed of bare concrete block, even if painted, are prohibited.
- (18) Gates are allowed in fences and walls, provided such gates are opaque and remain closed when not in use.
- (19) Walls and fences may be constructed in separate segments provided all other provisions of this section are met.
- (20) In order to reduce a "walled in" effect, a hedge planted and maintained at a minimum of four feet in height may be substituted for a required fence or wall when the required buffer faces a road.

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Exhibit 2: Table of Minimum Buffer Requirements

		Abutting Zone/Use									
		RSF RE AG	RMF RMF-T	MHC	MHP	RVP	OMI	CG CN CT CHNBR CHMU		IG	II
	Environmentally Sensitive (ES)	--	--	--	--	--	--	--	--	--	--
Developing Lot(s) Zone/Use ¹	Single-Family Residential (RSF) Residential Estate (RE) Agriculture (AG) Excavation and Mining (EM) ^{***}	--	--	--	--	--	--	--	--	--	--
	Bridgeless Barrier Island (BBI)	--	--	--	--	--	--	--	--	--	--
	Manufactured Home Conventional (MHC)	--	--	--	--	--	--	--	--	--	--
	Residential Multi-Family (RMF) Residential Multi-Family Tourist (RMF-T)	A	--	A	--	--	--	--	--	--	--
	Manufactured Home Park (MHP)	B	A	B	--	--	--	--	--	--	--
	Recreational Vehicle Park (RVP)	C	B	C	B	--	--	--	--	--	--
	Office Medical and Institutional (OMI)	C	B	C	C	B	--	--	--	--	--
	Commercial General (CG) Commercial Neighborhood (CN) Commercial Tourist (CT) Charlotte Harbor Neighborhood Business Residential (CHNBR) Charlotte Harbor Mixed Use (CHMU)	C	C	C	C	B	A	--	--	--	--

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									--	--	--
Industrial General (IG)	D	D	D	D	C	C	B		--	--	
Industrial Intensive (II)	D	D	D	D	D	D	C		A	--	
Parks & Recreations (PKR) / Preserve/Mitigation Lands and Passive Use Parks	--	--	--	--	--	--	--	--	--	--	--
Active Use Parks*	C	B	C	C	B	A	--	--	--	--	
Emergency and Essential Services **	B	A	B	A	A						--
Towers*	D	C	D	D	C	C	B		A	A	
Storage Yards*	D	D	D	D	D	D	D		B	B	
¹ A specific buffer requirement may be waived in cases where the developing property will be developed with a use that is less intense than the abutting zoning, provided that such determination shall be made by the Zoning Official or his/her designee. *Regardless of zoning. **Buildings and structures for emergency and essential services as determined by the Board of County Commissioners. *** See Earthmoving Code (Chapter 3-5, Article XXIII) for standards and requirements.											

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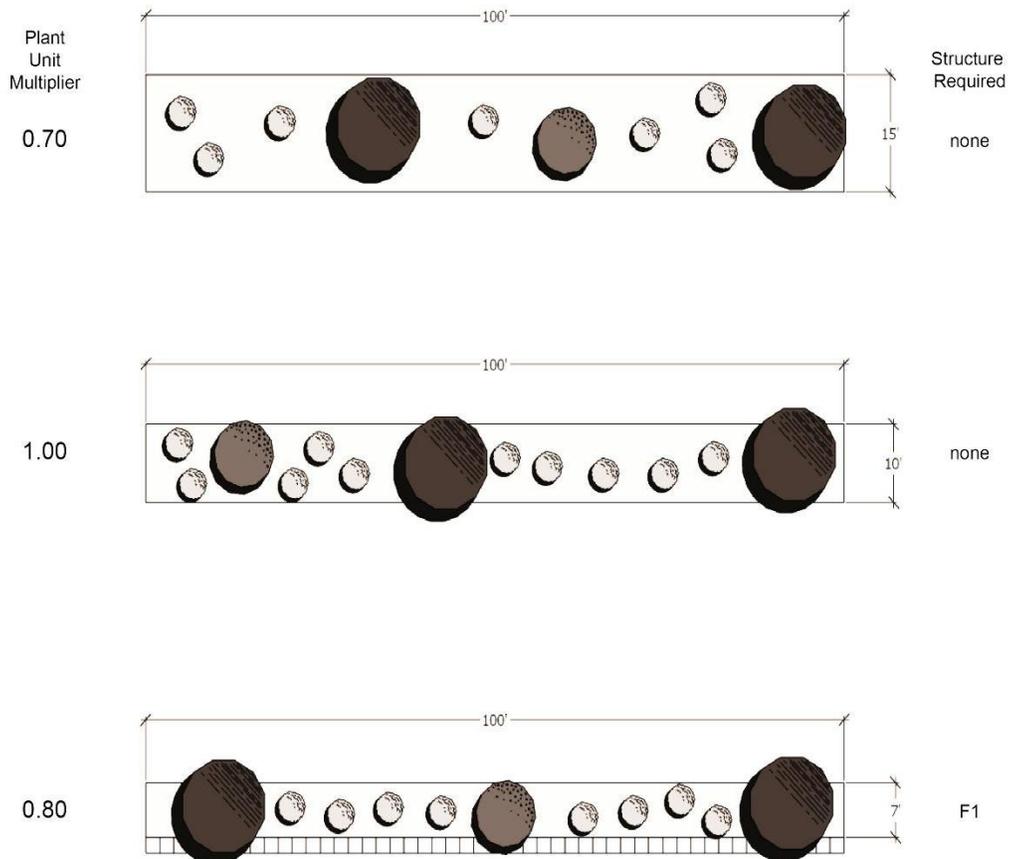
Exhibit 3: Buffer Type Illustrations

Exhibit 3A

Required Plant Units / 100 ft.		
	Canopy Tree	2
	Accent / Understory Tree	1
	Shrub	10

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration
Buffer "A"



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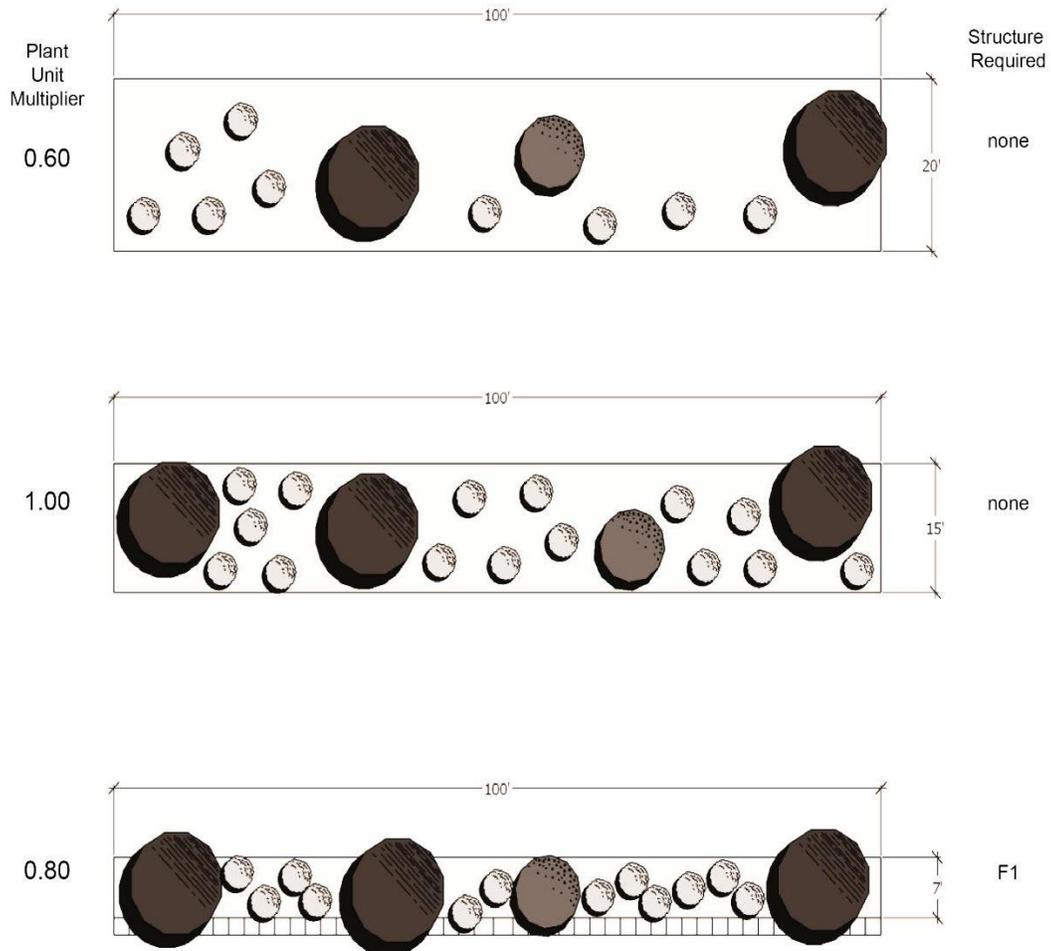
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Exhibit 3B

Required Plant Units / 100 ft.		
	Canopy Tree	3
	Accent / Understory Tree	1
	Shrub	15

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration
 Buffer "B"



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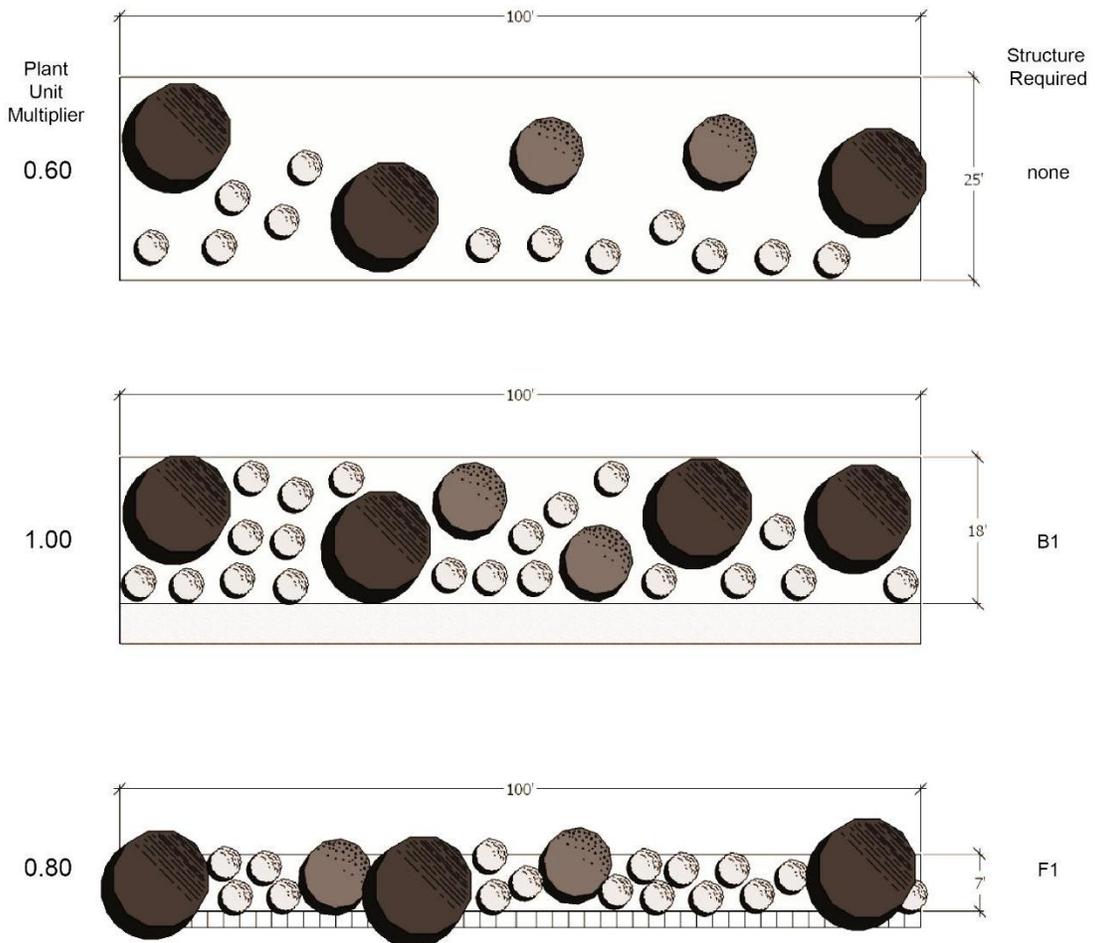
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Exhibit 3C

Required Plant Units / 100 ft.		
	Canopy Tree	4
	Accent / Understory Tree	2
	Shrub	20

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration
 Buffer "C"



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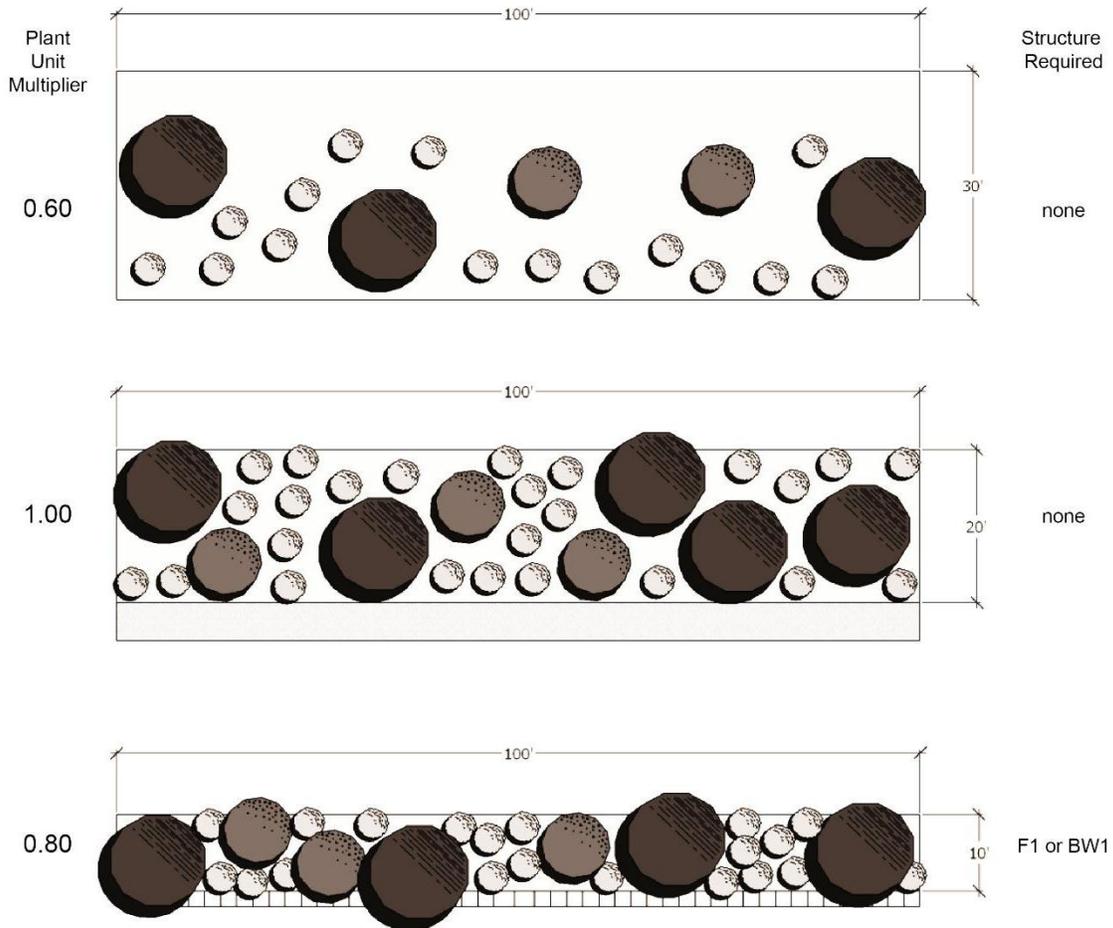
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Exhibit 3D

Required Plant Units / 100 ft.		
	Canopy Tree	5
	Accent / Understory Tree	3
	Shrub	25

If Plant Unit Multiplier results in a fraction, round up.

Buffer Type Illustration
 Buffer "D"



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Exhibit 4: Berms, Berm Walls, and Fences Illustrations

Berms

Berm	Height	Material
B1	3ft *	Earth
B2	5ft *	Earth

*Max. Slope = 3:1

The diagram illustrates a cross-section of a berm. On the left, a dashed line indicates the boundary of the 'abutting property less intensive use'. The berm itself is a raised earthen bank with a 3:1 slope, indicated by a small right-angled triangle with a vertical side of 1 and a horizontal side of 3. The top of the berm is landscaped with several trees of varying sizes. A vertical dashed line labeled 'Berm Height' shows the maximum height of the berm. A horizontal dashed line labeled 'Berm Width' spans the width of the landscaped area.

Berm Walls

Berm	Height	Material
BW1	3ft *	w/ 5ft. Masonry Wall

*Max. Slope = 3:1

The top diagram shows a cross-section of a berm wall. A dashed line on the left indicates the 'abutting property less intensive use'. The berm is landscaped with trees. A vertical masonry wall is shown on the right side of the berm. A vertical dashed line indicates a '6' min. Fence or Wall Height' and 'optional landscape as desired'. A horizontal dashed line labeled 'Berm Width (varies)' spans the width of the landscaped area.

The bottom diagram shows a cross-section of a berm with a 3:1 slope, indicated by a small right-angled triangle with a vertical side of 1 and a horizontal side of 3. The berm is landscaped with trees. A vertical masonry wall is shown on the right side of the berm. A vertical dashed line labeled 'Berm Height' shows the height of the wall. A horizontal dashed line labeled 'Berm Width' spans the width of the landscaped area. A dashed line on the left indicates the 'abutting property less intensive use'.

Fences

Fence or Wall	Height	Material
F1	6 ft.	-Cement block with stucco finish -Poured cement -Brick -Vinyl/PVC -Masonry -Wood

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Sec. 3-9-100.2. Landscaping

(a) Applicability.

- (1) The requirements of this section shall apply whenever parking area is constructed.
- (2) The provisions of this section do not apply to:
 - a. Paved areas used for parking and other vehicular uses that serve single-family residences or two-family residences, or
 - b. Paved areas associated with permitted principal uses within the Agricultural and Excavation and Mining zoning districts (AG and EM).
- (3) The following improvements do not cause the property to be subject to the requirements of this section:
 - a. Overflow grass parking.
 - b. Existing parking areas that are re-striped.
 - c. Buildings and structures for emergency and essential services as determined by the BCC at its discretion.
- (4) Parking lot screening shall be required whenever there is construction of paved parking areas abutting a public right-of-way.
 - a. Paved parking areas are those areas used for parking, storage or display of vehicles, boats, construction equipment, or similar manufactured items, including those accessory areas, adjacent to parking, used for ingress, egress or traverse.
 - b. A parking area is considered paved if it has been improved from the natural state by any hard surface including asphalt, concrete, gravel, marl, or shell.
 - c. Existing parking areas that are scarified must comply with the provisions of this section.
- (5) Decorative perimeter landscaping shall be required wherever property improved by other than a paved parking area abuts the public right-of-way.
- (6) Perimeter landscape strips and interior landscape areas required by this section shall be landscaped with grass, ground cover, or other approved permeable landscaping treatment in accordance with Florida-Friendly design principles, provided:
 - a. Pavement and sand are not considered approved landscape material.
 - b. The use of sand, rock, and aggregate are appropriate only as part of a decorative design and is subject to approval by the Department.
 - c. The use of non-decorative rock and aggregate for drainage purposes is permitted, but does not count toward meeting the requirements of this section.

(b) Perimeter landscaping.

- (1) In general.
 - a. Areas abutting public rights-of-way shall be screened from public rights-of-way by a perimeter landscape strip at least eight feet in width.
 - b. For parcels smaller than 20,000 square feet, the perimeter landscape strip width may be reduced to five feet provided there is a minimum of three feet of pervious surface adjacent to the perimeter landscape strip.

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- c. For the purposes of this section, ingress and egress lanes act to separate perimeter landscape strips, and the width of ingress and egress lanes is excluded when determining the length of perimeter landscape strips.
- d. One tree is required for every 35 feet, or fraction thereof, of perimeter landscape strip. Trees within a section of perimeter landscape strip may be grouped, but the distance between trees in a section shall not exceed 50 feet.

(2) Parking lot screening.

- a. In addition to the requirements of Subsection 3-9-100.2(a), wherever parking areas abut public rights-of-way, a hedge or durable non-vegetative barrier, or combination thereof, at least three feet in height shall be placed along the entire length of the perimeter landscape strip, except within sight triangles.
- b. Earthen berms may be used as non-vegetative barriers but shall not exceed a slope ratio of 3:1 (horizontal to vertical) and shall be stabilized with sod, landscaping, or other aesthetic treatment.
- c. Whenever non-vegetative barriers are employed, one shrub or vine shall be planted for every eight linear feet, or fraction thereof. Plantings may be distributed evenly or in clusters.
- d. Shrubs must be a minimum of 18 inches in height.
- e. Vines shall be planted along the right-of-way side of the non-vegetative barrier unless of sufficient height at the time of planting to be visible from the right-of-way over the top of the non-vegetative barrier.

- (3) For decorative perimeter landscaping, one tree is required every 35 feet, or fraction thereof, of perimeter landscape strip. Trees within a section of perimeter landscape strip may be grouped, but the distance between trees in a section shall not exceed 50 feet.

(c) Interior parking lot landscaping.

- (1) The purpose of interior landscaping is to lessen the undesired effects of large areas of impervious surface and pavement.
- (2) All off-street parking lots in excess of 1,500 square feet or five spaces, whichever is less, shall comply with the following:
 - a. All rows of parking shall have a terminal island placed at each end with a tree, shrubs, and groundcover. Each island shall be at least eight feet wide as measured from back of curb to back of curb. Larger islands are recommended, especially where canopy trees are provided.
 - b. The length of each planter island shall be the length of a parking space for single-row parking, or the length of two car spaces for double-row parking. In the case of parallel parking, the length of a planter island shall be ten feet.
 - c. No row of parking spaces shall contain more than ten spaces uninterrupted by a required landscape island. No row of parallel parking shall contain more than five spaces uninterrupted by a required landscape island.
 - d. Each double-row terminal island shall include at least two trees in addition to shrubs and groundcover.
 - e. Planter islands shall be landscaped so as not to obstruct traffic sight lines. Shrubs shall be maintained at a height of 24 inches; trees shall have a minimum of six feet of clear trunk, as measured from the ground up.
 - f. Configurations of planter islands not in strict conformity with this section may be approved if such configuration is necessary to preserve existing trees as determined by the Zoning Official or his/her designee.

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- g. Sod is not permitted within any required landscape island.
- (3) Specialized vehicular use areas, as defined in this section, are exempt from required parking islands.

Sec. 3-9-100.3. Tree Requirements

(a) Applicability.

The terms of this section shall apply to any native or non-native tree, as listed in Exhibit 8: List of Approved Tree Species. This section shall also apply to the tree removal, protection, and tree planting requirements of a development.

- (1) On-site inspection for conformance with the requirements of this section shall be conducted by the Charlotte County Code Compliance Division (or its equivalent successor) in order to receive a Certificate of Occupancy (C.O.).
 - a. The BCC shall establish, by resolution, appropriate fees to defray the cost of enforcing the provisions of this section.
 - b. All trees preserved or planted per this section must remain preserved in perpetuity.
 - c. If the requirements of this section are not met at the time of final inspection, a reinspection fee, in an amount established by resolution, will be assessed for any additional inspections.
 - d. Any tree regulated by this section that dies, sustains major damage, or contracts a disease, such that its restoration to a sound condition is impractical, must be replaced by a tree of comparable size and type or a combination of trees having an equal number of tree points. Compliance may be determined by a follow-up inspection that may occur at the discretion of the County.
 - e. Any tree which is required as a replacement to the original C.O. tree is also subject to a follow-up inspection, following its installation.

(b) This section shall not apply to the following:

- (1) Properties which meet all of the following criteria:
 - a. The primary principal use is bona fide agriculture;
 - b. The property is zoned for agriculture;
 - c. The future land use map (FLUM) designation is agriculture; and
 - d. The property is not within a development of regional impact (DRI).
- (2) Developments which received final site plan approval or building permits prior to September 15, 1992, excluding the provisions of Subsection 3-9-100.3(e), Heritage Trees.
- (3) Developments, alterations, or additions of 1,000 square feet or less.
- (4) Interior remodeling or modifications.
- (5) Commercial plant and tree nurseries, where plants and trees are grown and/or sold for horticultural purposes.
- (6) Removal of trees as part of an approved management activity within a preserve or resource conservation area.
- (7) Cemeteries.

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(c) Minimum tree requirements.

- (1) For all development regulated by this section, tree points must be preserved or planted according to Exhibit 6: Tree Points for Development Types. A list of trees acceptable for the purpose of this section is provided in Exhibit 8: List of Approved Tree Species.
- (2) For all landscaping purposes, trees found in the most recent edition of the "Florida-Friendly Landscaping Guide to Plant Selection and Landscape Design," produced by the University of Florida/IFAS, but not listed in Exhibit 8: List of Approved Tree Species may be permitted at the discretion of the Zoning Official or his/her designee. The applicant must demonstrate that the tree is appropriate for the location. These trees may be considered for tree points.

Exhibit 5: Tree Points

Tree caliper (inches)	Retained Native (Except Palms)	Installed Native (Except Palms)	Non-Native* (Installed or Retained)	Native Palms (Minimum 6' clear trunk)	Preserved or Planted Wax Myrtles (Minimum 6' tall with at least one 2" stem) OR 25 sq. ft. Palmetto
2.0	1.0	1.0	0.5	0.5	0.5
3.0	1.5	1.5	1.0	0.5	N/A
4.0	3.5	2.5	1.5	0.5	N/A
5.0	4.0	3.0	2.0	0.5	N/A
6.0	4.5	3.5	2.5	0.5	N/A
7.0	5.0	4.0	3.0	0.5	N/A
8.0	5.5	4.5	3.5	0.5	N/A
9.0**	6.0	5.0	4.0	0.5	N/A

*From Exhibit 8: List of Approved Tree Species

**Add 0.5 points for every inch thereafter (except in the case of Palms, Wax Myrtles, and Palmetto).

Exhibit 6: Tree Points for Development Types

Development Type	Number of Tree Points Required
Residential, commercial and industrial	1 tree point for every 2,000 square feet of development site
Outdoor-oriented recreational activities which require open space and are available to the general public	1 tree point for every 4,000 square feet of development site
Manufactured home parks within a Manufactured Home Park (MHP) Zoning District	2 canopy trees per manufactured home site*
*Palms shall not be considered canopy trees for the purpose of satisfying the tree requirements for manufactured home parks within a Manufactured Home Park (MHP) Zoning District.	

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- (3) In order to count toward the minimum tree point requirement, a preserved or planted tree must have a minimum height of eight feet measured from the existing grade to the highest point of the foliage and a minimum caliper of two inches measured 12 inches above the existing grade.
- a. Trees preserved within the minimum required rear and side yard setbacks of the development site may be counted toward the tree point requirement. Trees may be planted anywhere within the development site, including the minimum required rear and side yard setbacks, except where otherwise prohibited by the provisions of this section. A single phase of phased development shall be considered a development site and all the points shall be calculated within that phase.
 - b. Trees preserved or planted within easements may be counted toward the tree point requirement.
 - i. If a preserved tree located within an easement is removed during the lawful development activity within the easement for which the easement was intended, this loss shall not be held against the landowner or against the conditions of this section, and no action shall be taken against the rightful user of the easement for which it was intended.
 - ii. A list of acceptable trees for tree planting in utility easements near power lines is set forth below in Exhibit 7: Recommended Trees for Planting under Power Lines.

Exhibit 7: Recommended Trees for Planting Under Power Lines

Bottlebrush (*Callistemon spp.*)
Crape Myrtle (*Lagerstroemia indica*)
Loquat (*Eriobotrya japonica*)
Silver Dollar Eucalyptus (*Eucalyptus cinerea*)
Sweet Acacia (*Acacia farnesiana*)
Wax Myrtle (*Myrica cerifera*)

- iii. Trees planted or preserved within easements shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service. Location of underground utility lines shall be determined prior to easement planting.
 - iv. In the event that a tree is planted within an easement and is removed during lawful development activity within the easement for which the easement was intended, this loss shall be the responsibility of the property owner, the tree shall be replaced, and no action shall be taken against the rightful user of the easement for which it was intended.
- c. Trees planted to meet the minimum tree point requirements of this section may not be planted within County rights-of-way.
- (4) While all preserved native palms may be counted toward a development's tree point requirement, no more than 25 percent of the required tree points may be obtained from planted native or non-native palm trees.
- (5) No more than 50 percent of the required tree points may be obtained from approved non-native trees except that non-native palms shall not count for more than 25 percent of total required points per Subsection 3-9-100.3(c)(4).
- (6) No more than 25 percent of the required tree points may be obtained from approved Wax Myrtle which has been planted or preserved.
- (7) No more than 25 percent of the required tree points may be obtained from the approved square footage of preserved Palmetto.
- (8) Replacement trees must carry plastic tags identifying their species. These tags must be retained until the C.O. is granted.

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(d) Tree removal.

- (1) Prior to the removal of any tree with a caliper four inches or greater, or palm with a clear trunk six feet or greater, the landowner or his/her agent must receive a tree removal authorization signed by an authorized County official.
- (2) All applicants proposing development must submit the following to the Department at the time of application for building permits and prior to any development activity:
 - a. A tree survey, completed by a certified arborist or signed and sealed by a registered engineer, landscape architect, or surveyor, consisting of a scaled drawing indicating:
 - i. Development site boundaries.
 - ii. Location of all individual trees, other than prohibited species, which have a caliper four inches or greater; the trees' common names; and their approximate calipers measured with a caliper or forestry diameter tape 12 inches from existing grade.
 - iii. A scaled drawing superimposed on the tree inventory illustrating all proposed and existing improvements; which trees are to be removed; and which trees are to be preserved.
 - b. Proof that removal of trees is consistent with tree removal criteria in Subsection 3-9-100.3(g) or tree removal authorization exemptions in Subsection 3-9-100.3(h). If it is determined that the trees to be removed are exempt from removal fees, a memorandum of fee exemption will be issued as proof of compliance. Environmental review fees apply if a site inspection is conducted by County staff, if applicable.
 - c. A fee shall be charged for each caliper inch of tree which has been granted tree removal authorization. These fees shall be placed into the Native Tree Replacement Fund pursuant to Subsection 3-9-100.3(j).
- (3) In the event that no trees exist on the development site, the applicant shall not be required to provide the tree inventory. In lieu of this requirement the applicant shall submit a notarized "No Tree Affidavit."
- (4) Absolutely no speculative clearing is allowed. Applicant must have either a building permit or final site plan approval prior to County staff authorizing any clearing or tree removal activities.
- (5) For development requiring Site Plan Review Committee approval, all documentation listed above and a landscape plan illustrating the incorporation of both preserved and planted trees, as applicable, into the proposed development must be submitted at the time of preliminary plan submittal.

(e) Heritage trees.

No person shall cut down, remove, relocate, or in any way damage a heritage tree. These trees shall be protected without regard to their location or the date of final development approval.

- (1) The Zoning Official or his/her designee shall exempt a heritage tree from the terms and provisions of this section if:
 - a. The tree is in advanced stages of decline. Staff reserves the right to request a determination from a certified arborist;
 - b. The tree is located where a structure or improvement allowed as a permitted principal use under zoning regulations is to be located and the applicant has made every effort to accommodate the heritage tree within the design of the structure or improvement. It is the intent of this provision that a permit shall be granted for the removal of a heritage tree only after the applicant has demonstrated an

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effort to design and locate the proposed structure or improvements to prevent the removal a heritage tree consistent with the permitted use of the property;

- c. The tree is causing substantial structural or infrastructural damage, to be determined by a qualified engineer of record. The applicant must demonstrate that alternative remedies such as root barriers or trimming are not feasible.

(2) All heritage trees shall be replaced on a DBH inch for DBH inch basis. When the Zoning Official or his/her designee determines that site-specific conditions limit or prevent the replacement of trees on site, the applicant shall pay \$150 per DBH inch not replanted to the Native Tree Replacement Fund.

(3) Encroachment under a heritage tree will be allowed only to the extent provided by this section.

(f) Tree preservation and protection.

(1) Where healthy trees of appropriate location, species, and quality exist on-site prior to development, efforts shall be made to preserve such trees permanently at natural grade in accordance with the following:

- a. Prior to the site clearing phase of development, the trees to be preserved shall be protected by the construction of barriers.
- b. The barriers shall be constructed of wooden (or equivalent) posts at least two inches by two inches, and shall be implanted in the ground deep enough to be stable. The barriers shall be visible, with at least three feet above the ground. The protective posts shall be placed not more than six feet apart and shall be linked together using lumber; erosion fabric; net or plastic fence material, or snow fencing. Stakes strung with line or flagging shall not be considered a protective barrier.
- c. Barriers shall be placed at least six feet from the trunk of any protected palm.
- d. For tree species other than palms, barriers will be placed at the drip line, except as allowed in an area of encroachment as defined in Subsection 3-9-100.3(f).
- e. In situations where Palmetto (*Serenoa repens*) occurs as a dense understory to existing oaks, pines, or palms, the existing Palmetto may be used as a living barricade for tree preservation, provided such Palmettos are retained to the drip line of the proposed preserved tree throughout construction. If the minimum square footage (25 sq. ft.) of Palmetto is then retained after construction, such Palmetto may qualify for additional tree points in accordance with Subsection 3-9-100.3(c).
- f. Where clusters of trees or large areas are to be protected, the area may be designated by barriers placed at the drip line from the outermost trees of the cluster or within the allowable area of encroachment. If the outermost trees are palms, the barrier shall be placed at least six feet from the trunks of the outermost palm.
- g. Barriers will remain in place until all construction activity, except landscaping, within the protected areas is complete.
- h. Trees not protected in the manner defined by this section throughout the construction period will not be considered preserved for purposes of this section, except for trees so located that they are 100 feet or more from the farthest point of development activity.
- i. No equipment, vehicles, construction materials, temporary structures or buildings, machinery, fill soil, sod, debris, fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or construction chemical of any kind will be placed, allowed to enter, or be stored within the protective barriers established around protected trees or protected areas.
- j. All anchor straps and wood shall be removed after a minimum of six months and a maximum of one year period as long as the tree has been properly established.
- k. Temporary sanitation facilities shall not be located within the tree protection areas.

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- I. No damaging attachment, wires (other than support wires for a tree), signs or permits shall be fastened to any tree protected by this section.
 - (2) In the event that the preservation techniques referenced in this section are deemed impracticable, trees and tree roots may be encroached upon provided that such encroachment complies with the following conditions:
 - a. No more than one-half of the radius of the tree canopy is impacted. This encroachment shall occur on no more than one side of the tree.
 - b. No more than one-third of all tree roots found at the outermost limits of the tree's drip line are encroached upon.
 - c. The remaining area of the tree's roots shall be protected by barriers at the drip line throughout construction and shall remain in preconstruction condition during and after construction.
 - d. Paved areas of allowable encroachment shall use techniques that provide for aeration and irrigation of the root system. These techniques include:
 - i. Substituting gravel or pebbles for typical fill soils; and
 - ii. Using pervious or porous paving materials in the areas of encroachment.
 - e. Supplemental irrigation shall be provided throughout construction in order to mitigate tree stress induced by this encroachment.
 - (3) If the development utilizes construction techniques such as pilings or piers, which will not impact tree root systems, the area of allowable encroachment may be exceeded.
 - (4) In no event shall a damaged tree, a dead tree, a tree not protected in accordance with the provisions of this section, or a tree not included in Exhibit 8: List of Approved Tree Species, be counted as a preserved or planted tree for purposes of this article.
 - (5) On-site inspection for conformance with the provisions of this section shall be conducted by the Code Compliance Division inspectors or authorized County official at any time during a site's development.
- (g) Criteria for issuance of tree removal authorization.
- (1) Tree removal authorization shall be granted only when an authorized County official has determined that the removal is consistent with one or more of the criteria below:
 - a. Trees pose a safety hazard to pedestrian or vehicular traffic or cause disruption to public utility services.
 - b. Trees pose a safety hazard to buildings or structures which cannot be remedied by trimming.
 - c. Trees completely prevent access or cross access to a lot or parcel.
 - d. Trees prevent development or physical use. It is the intent of this provision that a permit shall be granted for the removal of any tree when the applicant has demonstrated an effort to design or locate a proposed structure improvement so as to minimize the removal of trees.
 - e. Diseased trees or trees so weakened by age, storm, fire or other injury so as to pose a danger to persons, property, improvements, or other trees.
 - (2) Authorization to remove a tree(s), when granted, shall be confined to the tree(s) specifically identified for removal as permitted. Removal of a tree(s) must be performed within six months from the date of issuance of the tree removal authorization or during the development activity for which final SPR approval was granted. Speculative clearing is not permitted.
 - (3) Nothing in this section shall be construed to require the removal of any trees by the applicant.

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(h) Tree removal authorization; exemptions.

- (1) The following categories shall be considered exempt from tree removal authorization requirements and per caliper inch fees as provided in this section:
 - a. Removal of any tree(s) with less than a four-inch caliper and any palm with less than six feet of clear trunk.
 - b. Dead trees.
 - c. Trees listed as Category I or II on the most recent edition of the Florida Exotic Pest Plant Council's Invasive Plant List, or listed on Exhibit 9: Prohibited Plants.
 - d. The removal of trees located within the footprint and within six feet of the footprint of any building construction.
 - e. Lawful development activities within existing (existing prior to effective date) utility, drainage, and road rights-of-way or easements, for the purposes for which they were reserved, and the expansions of existing (existing prior to effective date) road easements, including associated retention ponds.
 - f. The trimming, cutting, or other alteration to any existing tree, provided such activities are consistent with sound horticultural practices.
 - g. In the event of an emergency such as the approach and imminent landing of a hurricane, windstorms, flood, freezes, fire, or other disasters, the County Administrator or his/her designee retains the authority to temporarily waive the requirements of this section.

(i) Tree replacement.

Qualifying, existing trees shall be preserved whenever feasible in order to meet the tree point requirements of this section. Whenever the removal of trees on a development site would result in failure to meet the minimum tree point standards, approved replacement trees shall be planted in sufficient number and size to meet these standards, and the following conditions shall apply:

- (1) All trees selected to meet the requirements of this section shall be chosen from Exhibit 8: List of Approved Tree Species. Other tree species, except prohibited species, may be included on the development site, but shall not be counted toward meeting the requirements of this section. Trees planted in compliance with Section 3-9-100.1: Buffers or Section 3-9-100.2: Landscaping may be used to help satisfy the requirements of this section, provided they meet the criteria set forth in this section.
- (2) All trees used in conformance of this section shall meet or exceed the standards for Florida No. 1 as provided by Grades and Standards for Nursery Plants, Part II, Palms and Trees; most recent edition; State of Florida, Department of Agriculture, Tallahassee.
- (3) The property owner(s) shall be responsible for installing all trees in a sound, professional manner and in accordance with accepted good horticultural techniques, including, but not limited to the following:
 - a. Grow bags and containers shall be completely removed from the root ball prior to planting.
 - b. Burlap shall be sliced in both directions on the sides of the root ball and removed from the top one-third of the root ball.
 - c. All twine or wire shall be cut off from around the trunk at the top of the root ball.
 - d. Trees shall be mulched to a minimum depth of two inches and a maximum depth of four inches with organic mulch at least to the perimeter of the root ball.

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- e. The owner(s) or their agent(s) shall provide sufficient soil and water to sustain healthy growth of all trees.
- (4) Trees with a caliper of four inches or more shall be anchored for a period of at least one year. Single staking of trees shall be prohibited.
- (5) In the event the property owner is not residing in Charlotte County at the time of C.O. issuance, and (i) chooses to install his/her own trees; or (ii) is not available to care for the newly planted trees, the property owner may, upon written request, post a security deposit either as cash or certified check that is equivalent to the established dollar amount for the development's required number of tree points (i.e., the "buy-out" fee). This cash security deposit is valid for 90 days from the issuance of the C.O.
 - a. Upon inspection and written approval from the Code Compliance inspector that all tree installation has been met within the allotted 90-day period, the posted security deposit will be refunded within five working days.
 - b. Should the property owner fail to properly install the required number of tree points in the allotted time, the money will be placed into the Native Tree Replacement Fund without further refund.
- (j) Native Tree Replacement Fund.
 - (1) The Public Works Department is hereby authorized and directed to administer a Native Tree Replacement Fund which consists of monies collected as payment for tree removal authorization and in lieu of planting or preserving trees on developed properties. The Community Development Department is hereby authorized and directed to collect the monies for payment of the Native Tree Replacement Fund. Thus, an applicant shall pay to the Department a sum determined by multiplying the number of required tree points which they wish to be excused from preserving or planting on a development site times the Native Tree Replacement fee, said fee to be established by resolution of the BCC.
 - a. The Department shall keep records of the monies received pursuant to this section.
 - b. The Board shall establish, by resolution, a program administered by the Public Works Department which shall apply monies received to the planting of native trees, native shrubs, mulch, installation, design, and irrigation on lands or easements of the County or other government-owned lands. Non-substantive amendments may be made from time to time without action by the BCC as deemed necessary for the administration of the program.
- (k) Slope variance.

Notwithstanding other County requirements, and in order to facilitate the policy that preservation is more desirable than replacement, if preservation cannot be accomplished in conjunction with a 6:1 slope but can be accomplished by using a 4:1 slope, then such is authorized. The construction of tree wells and the use of stemwall construction may be used and is encouraged whenever possible to prevent changes in the grade within the drip line of protected trees.

- (l) Water retention/recharge areas.

As an additional alternative to present slope requirements, when the use of water retention/recharge areas can be accomplished on-site and is beneficial to trees to be preserved, such retention/recharge areas may be used.

- (m) Prohibited trees.

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The planting of any prohibited species of tree, as identified in Exhibit 9: Prohibited Plants, shall be strictly prohibited.

(n) Prohibited practices.

The following practices or procedures shall be considered unlawful in the County, except where exempted:

- (1) It shall be unlawful practice for any person, firm or agency to "top" or allow to be "topped", or severely prune, so as to appear stunted, any tree.
 - a. All tree pruning shall be conducted according to the most recent edition of the National Arborist Association standards, which are hereby incorporated by this reference.
 - b. Trees severely damaged by storms or other causes, or certain trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this section.
- (2) It shall be unlawful for any person, firm, or agency to climb any living tree, using the practice known as "spiking" or "spurring". The practice of "spurring" or "spiking" shall be allowed only to achieve the total removal of a tree for reasons authorized by this section.

(o) Voluntary planting.

The provisions of this section shall not be interpreted to restrict, regulate, or limit the voluntary planting of any tree, other than prohibited trees, in the County. The provisions of this section govern only the planting of trees which are required to be planted or retained as required by this section.

(p) Variance, appeal and penalty.

- (1) The Board of Zoning Appeals (BZA) may, upon appropriate application in writing, vary or waive the terms and provisions of this section due to unreasonable hardship in specific cases. The criteria for a variance are as follows:
 - a. Unique or peculiar conditions or circumstances apply to the property.
 - b. The strict literal enforcement of the terms of this regulation would result in demonstrable and undue hardship or deprive the property owners of rights commonly enjoyed by other property owners.
 - c. The requested variance is the minimum modification of these regulations.
 - d. The requested variance is compatible with all other County regulations.
- (2) The preservation of any approved tree over 18 inches DBH may be considered by the appropriate County official as the basis for the granting of a variance from the literal application of the provisions of this section and other County regulations.
- (3) Any party aggrieved by the administrative interpretation or enforcement of this section may appeal to the BZA pursuant to Sec. 3-9-6 of the Charlotte County Code.
- (4) Penalties for violation.
 - a. Each preserved tree destroyed or suffering detrimental alteration during construction must be replaced by either a tree of comparable size and type, or by tree replacement conditions as provided by this section, before issuance of a C.O.
 - b. No C.O. or power release shall be issued for any development until all applicable approval or restoration plan conditions have been accomplished.

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- c. Failure to comply with any provisions of this section shall be referred to the Code Enforcement Board, which has the power to levy a fine not to exceed \$250.00 per day for each day the violation occurs.
 - d. If an individual fails to obtain the appropriate authorization for any tree removal prior to development, the Department may require a fine, which will vary depending on the number of offenses within the calendar year.
 - i. For a first offense, the fee is four times the original tree removal fee. In the case of tree removal fee exemptions, the fee is four times the standard processing fee.
 - ii. For a second offense in one calendar year, the fee is four times the original tree removal fee plus \$150.00. In the case of tree removal fee exemptions, the fee is four times the standard processing fee plus \$500.00.
 - iii. For multiple offenses within one calendar year, the fee is four times the original tree removal fee plus \$1,000.00 for each occurrence. In the case of tree removal fee exemptions, the fee is four times the standard processing fee plus \$1,000.00.
- (5) If an individual falsifies information on any tree form, or does not post the tree permits on the subject property, the Department may require a fine, which will vary depending on the number of offenses within a calendar year.
- a. For a first offense, a written warning.
 - b. For a second offense in one calendar year, the fine is \$50.00.
 - c. For multiple offenses within one calendar year, the fine is \$150.00 for each occurrence.
- (6) For violations to any prohibited practice or planting a prohibited tree, the Department may require a fine, which will vary depending on the number of offenses within a calendar year.
- a. For a first offense, a written warning requiring the removal of the prohibited tree.
 - b. For a second offense in one calendar year, the fine is \$100.00 and the violation will be forwarded to the Code Enforcement Division to open a Code case requiring the removal of the prohibited tree.
 - c. For multiple offenses within one calendar year, the fine is \$200.00 for each occurrence, and the violation will be forwarded to the Code Enforcement Division to open a Code case requiring the removal of the prohibited tree.

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**EXHIBIT 8:
List of Approved Tree Species**

Approved (For Tree Points) Canopy Tree Species—Native

American Hophornbeam (<i>Ostrya virginiana</i>)	Red Maple (<i>Acer rubrum</i>)
American Elm (<i>Ulmus americana</i>)	Sabal or Cabbage Palm (<i>Sabal palmetto</i>)
Bald Cypress (<i>Taxodium distichum</i>)	Sand Pine (<i>Pinus clausa</i>)
Cherry Laurel (<i>Prunus caroliniana</i>)	Sassafras (<i>Sassafras albidum</i>)
Coconut Palm (<i>Cocos nucifera</i>)	Shumard Oak (<i>Quercus shumardii</i>)
Florida Elm (<i>Ulmus Americana var. floridana</i>)	South Florida Slash Pine (<i>Pinus elliotii var. densa</i>)
Florida Royal Palm (<i>Roystonea elata</i>)	Southern Magnolia (<i>Magnolia grandiflora</i>)
Florida Scrub Hickory (<i>Carya floridana</i>)	Southern Red Maple (<i>Acer rubrum</i>)
Green Ash (<i>Fraxinus pennsylvanica</i>)	Southern Red Oak (<i>Quercus falcata</i>)
Gumbo-Limbo (<i>Bursera simaruba</i>)	Strangler Fig (<i>Ficus aurea</i>)
Jamaican Dogwood (<i>Piscidia piscipula</i>)	Swamp Chestnut Oak (<i>Quercus michauxii</i>)
Laurel Oak (<i>Quercus laurifolia</i>)	Swamp Tupeolo or Black Gum (<i>Nyssa sylvatica</i>)
Live Oak (<i>Quercus virginiana</i>)	Sweetbay Magnolia (<i>Magnolia virginiana</i>)
Loblobby Bay (<i>Gordonia lasianthus</i>)	Sweetgum (<i>Liquidambar styraciflua</i>)
Loblolly Pine (<i>Pinus taeda</i>)	Sugarberry or Hackberry (<i>Celtis laevigata</i>)
Longleaf Pine (<i>Pinus palustris</i>)	Sycamore (<i>Platanus occidentalis</i>)
Mahogany (<i>Swietenia mahagoni</i>)	Tulip Tree (<i>Liriodendron tulipifera</i>)
Mastic (<i>Sideroxylon foetidissimum</i>)	Turkey Oak (<i>Quercus laevis</i>)
Persimmon (<i>Diospyros virginiana</i>)	Water Oak (<i>Quercus nigra</i>)
Pigeon Plum (<i>Coccoloba diversifolia</i>)	Water Hickory (<i>Carya aquatica</i>)
Pignut Hickory (<i>Carya glabra</i>)	Water Tupelo (<i>Nyssa aquatica</i>)
Pond Cypress (<i>Taxodium ascendens</i>)	Wild Tamarind (<i>Lysiloma latisiliquum</i>)
Red Cedar (<i>Juniperus virginiana</i>)	Winged Elm (<i>Ulmus alata</i>)

Approved (For Tree Points) Canopy Tree Species—Non-Native

Black Olive (<i>Bucida buceras</i>)	Jacaranda (<i>Jacaranda acutifolia</i>)
Golden Rain Tree (<i>Koelreuteria formosana</i>)	Royal Poinciana (<i>Delonix regia</i>)

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Other Canopy Trees Which May Be Used, But Not for Tree Points

Queen Palm (*Syagrus romanzoffiana*)

Washington or Petticoat Palm (*Washingtonia robusta* or *Washingtonia filifera*)

Approved (For Tree Points) Understory Tree Species—Native

American Holly (*Ilex opaca*)

Baycedar (*Suriana maritima*)

Black Ironwood (*Krugiodendron ferreum*)

Black Mangrove (*Avicennia germinans*)

Blolly (*Guapira discolor*)

Bustic Willow (*Sideroxylon salicifolium*)

Button Bush (*Cephalanthus occidentalis*)

Buttonwood (*Conocarpus erectus*)

Catclaw Blackbeard (*Pithecellobium unguis-cati*)

Chapman Oak (*Quercus chapmanii*)

Chinquapin (*Castanea pumila*)

Cherry Laurel (*Prunus caroliniana*)

Coastal Plain Willow (*Salix caroliniana*)

Cocoplum (*Chrysobalanus icaco*)

Common Pawpaw (*Asimina triloba*)

Dahoon Holly (*Ilex cassine*)

East Palatka Holly (*Ilex opaca* "East Palatka")

Florida Fiddlewood (*Citharexylum fruticosum*)

Florida Thatch Palm (*Thrinax radiata*)

Florida Willow (*Salix floridana*)

Flowering Dogwood (*Cornus florida*)

Fringetree (*Chionanthus virginicus*)

Geiger Tree (*Cordia sebestena*)

Heart Leaved Willow (*Salix eriocephala*)

Hercules-Club or Toothache-Tree (*Zanthoxylum clava-herculis*)

Hornbeam or Musclewood (*Carpinus caroliniana*)

Lime Prickly-Ash (*Zanthoxylum fagara*)

Myrtle Oak (*Quercus myrtifolia*)

Pond Apple (*Annona glabra*)

Pop Ash (*Fraxinus caroliniana*)

Red Bay (*Persea borbonia*)

Red Buckeye (*Aesculus pavia*)

Redbud (*Cercis canadensis*)

Red Mangrove (*Rhizophora mangle*)

Red Mulberry (*Morus rubra*)

Rusty Lyonia (*Lyonia ferruginea*)

Sand Live Oak (*Quercus geminata*)

Satinleaf (*Chrysophyllum oliviforme*)

Scrub Oak (*Quercus inopina*)

Sea Grape (*Coccoloba uvifera*)

Southern Crabapple (*Malus angustifolia*)

Southern Red Cedar (*Juniperus virginiana*)

Spicewood (*Calyptrotrichus pallens*)

Stoppers (*Eugenia* spp.)

Summer Haw (*Crataegus flava*)

Sweet Acacia (*Acacia farnesiana*)

Swamp Dogwood (*Cornus foemina*)

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Titi (*Cyrilla recemiflora*)

White Mangrove (*Languncularia racemosa*)

Walter Viburnum (*Viburnum obovatum*)

Winged Sumac (*Rhus copallinum*)

Wax Myrtle (*Myrica cerifera*)

Witch Hazel (*Hamamelis virginiana*)

White Geiger (*Cordia globosa*)

Yaupon Holly (*Ilex vomitoria*)

Approved (for tree points) Understory Tree Species—Non-Native

Shady Lady Black Olive (*Bucida buceras* ‘Shady Lady’)

Silver Dollar Eucalyptus (*Eucalyptus cinerea*)

Bottlebrush (*Callistemon spp.*)

Silver Palm (*Coccothrinax argentata*)

Chinese Elm (*Ulmus parvifolia*)

Tree of Gold (*Tabebuia argentea*)

Crape Myrtle (*Lagerstroemia indica*)

Trumpet Tree (*Tabebuia spp.*)

Jerusalem Thorn (*Parkinsonia aculeata*)

Yellow Poinciana (*Peltophorum pterocarpum*)

Loquat (*Eriobotrya japonica*)

Other Understory Trees Which May Be Used, But Not for Tree Points

Ligustrum (*Ligustrum spp.*)

**EXHIBIT 9:
Prohibited Plants**

Trees

Australian Pine (*Casuarina glauca* and *Casuarina equisetifolia*)

Eucalyptus (*Eucalyptus spp.*, except *E. cinerea*)

Banyan Tree (*Ficus benghalensis*)

Indian Rosewood (*Dalbergia sissoo*)

Brazilian Pepper (*Schinus terebinthifolius*)

Java Plum (*Syzygium jambolana*, *Syzygium cumini*)

Catclaw Mimosa (*Mimosa pigra*)

Lead Tree (*Leucaena leucocephala*)

Carrotwood (*Cupania anacardioides*, *Cupaniopsis anacardioides*)

Melaleuca (*Melaleuca quinquenervia*)

Chinese Tallow (*Sapium sebiferum*)

Rubber Tree (*Ficus decora*)

Cuban Laurel (*Ficus nitida*)

Silk Oak (*Grevillea robusta*)

Weeping Fig (*Ficus benjamina*)

Shrubs

Beach Naupaka (*Scaevola sericea*)

Downy Rose Myrtle (*Rhodomyrtus tomentosa*)

Surinam Cherry (*Eugenia michelii*, *Eugenia uniflora*)

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Vines

Air Potato (*Dioscorea bulbifera*)

Old World Climbing Fern (*Lygodium microphyllum*)

Rosary Pea (*Abrus precatorius*)

Wingerd Yam (*Dioscorea alata*)

Grasses

Cogon Grass (*Imperata cylindrica*)